



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 29]

शिमला, शनिवार, 31 जनवरी, 1981/11 माघ, 1902

[संख्या 5

विषय-सूची

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि ..	188—198 तथा 221
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि ..	199—202 तथा 221—223
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेशनल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि ..	202—206
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग ..	206
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन ..	223—224
भाग 6	भारतीय राजपत्र इत्यादि से से पुनः प्रकाशन ..	207—220
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं ..	—
—	अनुपूरक ..	—

31 जनवरी, 1981/11 माघ, 1902 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं :-

विज्ञप्ति की संख्या	विभाग का नाम	विषय
सं० राजस्व-1 (छ) 4-4/78- डी०, दिनांक 14 जनवरी, 1981.	राजस्व विभाग	सम्पदा सिरमौरी ताल शिवपुर पटवार सर्कल के साथ जोड़ने का आदेश ।
संख्या चम्बा निर्वाचन-3 (5)/81, दिनांक 15 जनवरी, 1981.	कार्यालय उपायुक्त, चम्बा	ग्राम सभा कुगती में उप निर्वाचन द्वारा निर्वाचित सदस्य (पंच) के नाम की अधिसूचना ।

भाग 1 — वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

स्वास्थ्य एवं परिवार कल्याण विभाग

अधिसूचनाएं

शिमला-171002, 15 दिसम्बर, 1980

क्रमांक स्वास्थ्य-बी(3)-124/80.—हिमाचल प्रदेश लोक सेवा आयोग की सिफारिश पर हिमाचल प्रदेश के राज्यपाल महोदय, डाक्टर नन्द लाल शर्मा को स्वास्थ्य सेवा नियमों, 1974 के नियम 9 के अधीन रुपये 1200-50-1300-60-1540/60-1900 के वेतनमान में सहायक प्राचार्य स्वचा तथा रतजि रोग मैडिकल कालेज के एक पद पर नियमित रूप से दिनांक 3-9-80 (एफ0एन0) से नियुक्त करते हैं। डाक्टर नन्द लाल शर्मा दो वर्ष के लिए परीक्षा पर रहेंगे।

हस्ताक्षरित,
सचिव।

शिमला-2, 30 दिसम्बर, 1980

क्रमांक स्वास्थ्य-बी(3)-128/78.—हिमाचल प्रदेश लोक सेवा आयोग की सिफारिश पर हिमाचल प्रदेश के राज्यपाल महोदय, डा0 विजय कुमार रायजादा को स्वास्थ्य सेवा के 1974 के नियमों के नियम 9 के अधीन रुपये 940-30-1000-40-1200/50-1400/60-1700-75-1850 के वेतनमान में हिमाचल प्रदेश स्वास्थ्य सेवा द्वितीय श्रेणी के एक पद पर नियमित रूप से दिनांक 16-5-1980 (पूर्वाह्न) से नियुक्त करते हैं। डा0 विजय कुमार रायजादा 2 वर्ष से लिये परीक्षा पर रहेगा।

शिमला-2, 30 दिसम्बर, 1980

संख्या एच0 एफ0 डब्ल्यू-बी(3)-18/80.—हिमाचल प्रदेश लोक सेवा आयोग की सिफारिश पर हिमाचल प्रदेश के राज्यपाल महोदय, डाक्टर अजय भानू गुप्ता को स्वास्थ्य सेवा नियमों, 1974, के नियम 9 के अधीन रुपये 940-30-1000-40-1200/50-1400/60-1700-75-1850 के वेतनमान में स्वास्थ्य विभाग, हिमाचल प्रदेश में चिकित्सक अधिकारी (जी0डी0ओ0-II) के पद पर नियमित रूप से दिनांक 11-6-1980 से नियुक्त करते हैं डाक्टर अजय भानू गुप्ता दो वर्ष के लिये परीक्षा पर रहेंगे।

हस्ताक्षरित,
संयुक्त सचिव।

उद्योग विभाग

अधिसूचनाएं

शिमला-171002, 18/19 दिसम्बर, 1980

सं0 9-47/73-एस0आई0-II.—इस विभाग की अधिसूचना सं0 9-47/73-एस0आई0-II, दिनांक 27 अगस्त, 1980 का अधिग्रहण करते हुये राज्यपाल, हिमाचल प्रदेश, पैराफिन वक्स (सफाई, आवंटन तथा मूल्य निर्धारण) आदेश, 1972 के खण्ड-3 के उप-खण्ड (1) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुये, श्रीयुत डैनियल फिलिप्स कम्पनी, प्राईवेट लिमिटेड, बरोटीवाला द्वारा स्लैब वक्स से तैयार की गई पैराफिन वक्स के घोपित मूल्य को 9270 रुपये 50 पैसे (नौ हजार दो सौ मत्तर रुपये पच्चास पैसे) प्रति मीट्रिक टन की दर से सारे प्रदेश के लिये सहर्ष तुरन्त निर्धारित करते हैं।

शिमला-2, 20 दिसम्बर, 1980

सं0 उद्योग (ख) 1-2/79-(एस्ट).—राज्यपाल, हिमाचल प्रदेश, श्री डी0पी0 पुरी, सहायक नियंत्रक (माप-तोल), वेतनमान 700-1200 (श्रेणी-II) को उप-नियंत्रक (माप-तोल), शिमला (दक्षिण क्षेत्र),

वेतनमान 350—900 रुपये (अपरिष्कोधित) (श्रेणी-II) के अस्थायी पद पर छः मास के लिए या उस समय तक जब तक यह पद नियमित रूप से भरा नहीं जाता, जो भी पहले हो, तदर्थ रूप में पदोन्नत करने के सहर्ष आदेश देते हैं।

2. श्री पुरी इस पदोन्नति के आधार पर नियमित पदोन्नति के एवं वरिष्ठता के लिए कोई दावा नहीं कर सकेंगे।

प्रमाण पत्र

शिमला-171002, 24 दिसम्बर, 1980

संख्या 14-1/75-एस0आई0.—यह प्रमाणित किया जाता है कि श्रीयुत एसोसियेटेड सीमट कम्पनीज लिमिटेड बम्बई, हिमाचल प्रदेश खनिज अन्वेषण तथा भूमिपट्ट पर लेने के लिये गुणसम्पन्न कम्पनी है। यह मिनरल कन्सेशन रूलज, 1960 के अन्तर्गत हिमाचल प्रदेश में तेल तथा प्राकृतिक गैस के अतिरिक्त सभी खनिजों का अन्वेषण करेगी।

2. यह प्रमाण-पत्र जो 31-12-1980 को समाप्त होगा उसका 31-12-1983 तक नवीनकरण किया जाता है।

अधिसूचना

शिमला-2, 30 दिसम्बर, 1980

संख्या 4-19/71-एस0आई0.—राज्यपाल, हिमाचल प्रदेश, हिमाचल प्रदेश खनिज एवं औद्योगिक विकास निगम की संगम नियमावली की धारा 82 में निहित शक्तियों का प्रयोग करते हुए श्री रणजीत सिंह वर्मा, उद्योग मन्त्री को उक्त निगम में निदेशक के रूप में तत्काल नियुक्त करने के सहर्ष आदेश देते हैं।

आदेशानुसार,
अंतराल
अनुक्त एवं सचिव।

विधि विभाग

अधिसूचनाएं

शिमला-171002, 10 दिसम्बर, 1980

सं0 एल0एल0आर0बी(3)12/74.—राज्यपाल, हिमाचल प्रदेश, श्री निरंजन सिंह, सहायक जिना अटार्नी एवं लोक अभियोजक, हमीरपुर को निम्नलिखित अवकाश की कार्योत्तर स्वीकृति प्रदान करते हैं:—

- (i) 5 दिनों का अर्जित अवकाश दिनांक 23-8-80 से 27-8-80 तक,
- (ii) 40 दिनों का परस्पर परिवर्तित अवकाश चिकित्सा प्रमाण-पत्र पर पूर्ण वेतन सहित दिनांक 14-7-80 से 22-8-80 तक।

प्रमाणित किया जाता है कि श्री निरंजन सिंह ने उपरोक्त अवकाश की समाप्ति पर उसी पद पर कार्यभार सम्भाल लिया है।

प्रमाणित किया जाता है कि उपरोक्त अधिकारी यदि इस अवकाश पर न जाते तो वह अपने वेतनमान पद पर कार्य करते रहते।

शिमला-171002, 10 दिसम्बर, 1980

संख्या एल0एल0आर0बी(3)6/74.—राज्यपाल, हिमाचल प्रदेश, श्री मलकीयत सिंह, जिना अटार्नी (सतकंता) को 25 दिनों का अर्जित अवकाश दिनांक 12-11-80 से 6-12-80 तक की स्वीकृति प्रदान करते हैं वगैरह कि उनके खाते में अवकाश देय हो।

प्रमाणित किया जाता है कि श्री मलकीयत सिंह उपरोक्त अवकाश की समाप्ति पर उसी पद पर कार्यभार सम्भालेंगे।

प्रमाणित किया जाता है कि श्री मलकीयत सिंह यदि उपरोक्त अवकाश पर न जाते तो वह अपने वर्तमान पद पर कार्य करते रहते।

शिमला-171002, 11 दिसम्बर, 1980

संख्या एल०एल० आर०जी(4) 14/74.—राज्यपाल, हिमाचल प्रदेश, श्री प्रताप चन्द, सहायक जिला अटार्नी एवं लोक अभियोजक को 6 दिनों का अर्जित अवकाश दिनांक 1-12-80 से 6-12-80 और राजपत्रित अवकाश दिनांक 30-11-80 तथा 7-12-80 के साथ मिलाने की कार्योत्तर स्वीकृति प्रदान करते हैं।

प्रमाणित किया जाता है कि श्री प्रताप चन्द उपरोक्त अवकाश की समाप्ति पर उसी पद पर कार्यभार सम्मानेंगे।

प्रमाणित किया जाता है कि श्री प्रताप चन्द यदि उपरोक्त अवकाश पर न जाते तो वह अपने वर्तमान पद पर कार्य करते रहते।

हस्ताक्षरित,
सचिव।

श्रम विभाग

अधिसूचनाएं

शिमला-171002, 9 मई, 1980

संख्या 8-28/79-श्रम.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में राज्यपाल, हिमाचल प्रदेश, श्री धनपत राय तथा फायर चीफ तथा अन्य व्यास सतलुज लिंक प्रोजेक्ट सुन्दरनगर के मध्य चल रहे विवाद पर प्रीजार्डिडिंग आफिसर श्रम न्यायालय, हिमाचल प्रदेश द्वारा दिये गये निर्णायक निर्णय जो सरकार को दिनांक 10-3-80 को प्राप्त हुआ है प्रकाशित करने के सहर्ष आदेश देते हैं:—

Before the Labour Court for the State of Himachal Pradesh Camp at Sundernagar

CASE NO. 13/73

Shri Dhanpat Rai

..Applicant.

Versus

Fire Chief, Beas Sutlej Link Project, Sundernagar

.. Respondents.

ORDER

[Application under Section 33. C (2) of I.D. Act, 1947]

The applicant has been working in Beas Sutlej Link Project since May, 1965 as Chargeman (Misc.) in the Fire Fighting Service Section.

(2) The applicant's case is that the Fire Brigade staff have to perform 24 hours duties and the applicant has also been performing 24 hours duties at Baggi Fire Brigade of Beas Sutlej Link Project. The respondents-Management agreed to pay Rs. 30/- p.m. as "Calling Duty Allowance" to all Fire Brigade employees for their remaining on alertness for attending call any time in 24 hours daily.

(3) The applicant got this "Call Duty Allowance" for 23 months up to November, 1971, amounting to Rs. 690/- but the same was recovered back from him from his salary. Alternately, the applicant pleads that since the Management has denied the benefit of 24 hours duty by way of "Call Duty Allowance", he deserves to get alternate remedy of 24 hours duties by getting wages 16 hours a day, that is, double wages. He accordingly has calculated his double wages claim from 1-1-1970 to 31-3-1973, amounting to Rs. 24808. OPP.

(4) The respondents have opposed the claim on the plea that the applicant has been employed as Chargeman (Misc.) to work in office on material duties and as such he has not been performing the duties of Fire Fighting Crew.

(5) It is further contended that the Fire Fighting staff is to perform 8 hours duty per day.

(6) Regarding recovery of the "Call Duty Allowance" amount from the applicant, it is stated that it was wrongly paid to him as he did not come within the category of Fire Fighting Crew. Therefore, the recovery of the amount, which was inadmissible, had to be made from the applicant. That the claim of the applicant is without any legal force.

(7) My learned predecessors framed the following issues in the case:—

- (1) Whether Shri Dhanpat Rai petitioner was a member of the Fire Fighting Crew at the relevant time and, therefore, is entitled to the "Call Duty Allowance"?
- (2) If issue No. 1, is found for the petitioner, to what amount he is entitled?
- (3) Whether the petitioner has performed duty for more than 8 hours after the usual duty hours during the relevant time, if so, to what amount, if any, he is entitled to recover? OPP.
- (4) Relief.

(8) Before taking up the issues as framed in the case it has to be stated that the issue of maintainability of the application should have been framed as a preliminary issue, because, in but-shell, the question at issue between the parties is that the applicant is claiming himself to be a member of the Fire Fighting Service Crew entitled to get "Call Duty Allowance" sanctioned by the respondent-Management vide letter No. 6857-59/BP-256/A, dated 1-8-1970, Ex. P.A. But the respondents have denied that the applicant was a staff member of the Fire Fighting Service entitled to "Call Duty Allowance". Thus, the basic question for determination in this case is regarding a particular service status or the right to get a particular allowance on the basis of being the member of Fire Fighting Service. Therefore, it is not a matter of calculation or computing the money benefit based on existing rights or in terms of employment available to the applicant. But he is asserting a particular right by virtue of holding a particular post carrying "Call Duty Allowance" with it. So, it is a case of creation of a new right or claim not available to the applicant unless he is declared to be the member of the Fire Fighting Service Crew. Such a case is not covered under Section 33-C (2) of the Industrial Disputes Act, 1947 (I.D. Act), but has to be determined on a regular reference under Section 10 of the I.D. Act. This legal lacuna in the case goes to the root of the matter. Any way, I further proceed to determine the issues as framed in the case.

Issue No. 1.

(9) Shri Mahant Ram and the applicant (P.W. 1 and 2) in their statements have simply stated that the applicant has been working as a Fire Fighting Crew. But this is mere bald assertion on their part without precisely stating as to what part of work was assigned or carried out by the applicant.

(10) P.W. I stated that the applicant never worked in the office or in the store but has always been working in the field as a member of the Fire Fighting Crew. The applicant himself claims to have been working with the Fire Brigade staff.

(11) But the Fire Chief, Shri A.C. Malik (P.W. 3) assigns the status of Station Incharge of Baggi Fire Post to the applicant, per letter addressed by him to the Personnel Officer, B. S. L. Project, Ex. P.B (P.W. 2/A). This witness also has not explained in his statement as to what work in the Fire Fighting Crew was being done by the applicant.

(12) According to Shri O. P. Verma, Personnel Officer (P.W. 1), the applicant in his capacity as Chargeman (Misc.) was Incharge of a gang of 2 or 3 in the office of the Fire Chief. He was to do duties in the office and supervise the work of two or three workers helping him in the maintenance of fire extinguishing implements. He was not a member of the Fire Fighting Crew which included the list per Ex. R.W. 1/1. But in this the post of Chargeman (Misc.) is conspicuous by its absence. It is because of this documentary evidence on the scheme of Fire Fighting Staff posts that the Finance Section of the B.S.L. Project objected to the grant of "Call Duty Allowance" to the applicant not being in such staff strength and recovery

for the past inadmissible amount paid to him, was made.

(13) On the applicant's side, Shri A. C. Malik, Fire Chief (P.W. 3) has tried to make out a case for the applicant to include him in the Fire Fighting Staff on the grounds that his salary and "Call Duty Allowance" was included in the estimate prepared for expenditure of the Fire Fighting establishment and secondly that he was given a Government quarter on special consideration, out of turn, to remain available at the residential quarter at any time, like other Fire Fighting Staff members.

(14) It appears that the Fire Chief has tried to help the applicant to get "Call Duty Allowance" on extraneous considerations. If the Fire Fighting Section prepares an estimate of expenditure for different items of expenditure, including different types of posts in the section, that cannot go to prove that all the posts are of a particular category. Again, giving Government residential quarter out of turn to any staff member associated with the Fire Fighting Branch, may be like their store-keepers and clerks whose presence is also necessary for purposes of effective working of the Fire Fighting Section, will not make all such employees the member of active Fire Fighting Force.

(15) On the above findings, I find that the applicant has failed to show that he was a member of Fire Fighting Crew entitled to "Call Duty Allowance".

Issue No. 2

(16) In view of negative finding under issue No. 1, this issue is rendered redundant.

Issue No. 3

(17) In the alternative, the claim of the applicant for double wages for working round the clock 24 hours a day, is also not substantiated. Neither there is convincing evidence that the applicant was doing such a duty for 24 hours a day for which he can claim double wages in addition to his normal wages that he was getting. No rule or departmental instructions have been brought to my notice that the applicant is entitled to such double wages, capable or computation under section 33-C (2) of the I.D. Act. This issue also goes against the applicant.

Relief

(18) For the foregoing findings on the issues, the applicant's claim stands rejected. But no order as to costs.

H. D. KAINTHLA,
February 27, 1980 Presiding Officer, Labour Court
for the State of H.P., Camp at Sundernagar.

शिमला-2, 12 मई, 1980

संख्या 8-28/79-अम.—श्रीधोमिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में राज्यपाल, हिमाचल प्रदेश, श्री धीरज सिंह तथा सचिव म्युनिसिपल कमिटी, सोलन के मध्य चल रहे विवाद पर प्रोजाइडिंग ऑफिसर, अम न्यायालय, हिमाचल प्रदेश द्वारा दिये गये निर्णायक निर्णयों पर सरकार को दिनांक 10-3-1980 को प्राप्त हुआ है प्रकाशित करने के सहय संदेश देते हैं:—

ANNEXURE

IN THE COURT OF SHRI H. D. KAINTHLA
PRESIDING OFFICER, LABOUR COURT
HIMACHAL PRADESH CAMP AT SOLAN

Case No. 43 of 1978 (and cases No. 44 to 52 of 1978)

Shri Ranjit Singh, Fire Brigade Department, Municipal Committee, Solan ..Applicant.

Versus

The Municipal Committee, Solan (H.P.), through its Secretary ..Respondents.

Application under section 33 (c)(2) of the I. D. Act, 1947,
Judgment Order:

Shri Ranjit Singh applicant is a Fireman in the Fire Brigade, Municipal Committee, Solan. He has claimed that he has been required to attend duty 12 hours daily when under Law of Minimum Wages Act, was to perform duties only for 8 hours a day. So double wages for 4 hours for extra daily duty with effect from 15-1-1974 to 1-3-1978 he claims Rs. 10,670.40 pause.

Similar claims with little variation are laid by other 9 Fire Brigade employees of Solan Municipal Committee in their similar applications, cases No. 44 to 52 of 1978. The table of their amounts of claim is given as under:—

	Rs.
Devi Dayal 44 of 1978 1-1-1965 to 1-3-1978 ..	37,009.69
Shiv Ram 45 of 1978 1-1-1965 to 1-3-1978 ..	32,479.56
Darshan Singh 46 of 1978 1-1-1965 to 1-3-1978 ..	32,168.44
Roop Ram 47 of 1978 1-1-1965 to 1-3-1978 ..	32,168.44
Krishana Nand 48 of 1978 1-1-1965 to 1-3-1978 ..	32,168.44
Jagat Singh 49 of 1978 1-1-1965 to 1-3-1978 ..	32,168.44
Dhiraj Singh 50 of 1978 1-1-1965 to 1-3-1978 ..	32,168.44
Sangat Ram 51 of 1978 1-1-1965 to 1-3-1978 ..	32,168.44
Beant Singh Bedi 52 of 78 1-1-1965 to 1-3-1978 ..	42,953.52

On the agreement of the parties all these ten cases No. 43 of 1978 to 52 of 1978 have been consolidated for purpose of trial as common facts and law points are involved, vide order dated 12-10-1978 passed by my learned predecessor. So this judgment order will cover all these ten cases.

The applicants have simply stated in their applications that they are entitled to double wages for 4 hours for extra duty daily under the Minimum Wages Act.

The respondent, Municipal Committee denied the money claim made by the applicants on account of extra duty as double wages. It was explained that there was no application of Minimum Wages Act to Municipal Employees and that there was no condition of employment under which the applicants could not be detained for more than 8 hours on duty post. That the claim does not fall under section 33-C (2) of the Industrial Dispute Act.

In the rejoinder, the applicants further amplified their claim saying that the claim of the applicants was covered under Minimum Wages Act and Rules of the Central and State Governments and also under H.P. Shops and Commercial Establishment Act and Rules, Factories Act and Rules and Bye-laws of Solan Municipal Committee. Additionally it was asserted that the applicants were entitled to the same pattern of service conditions as applicable to Simla Fire Brigade Employees (Government undertaking).

By way of preliminary objection, it was contended that the written statement filed on behalf of the respondent is not by a competent person under the Law being Senior Vice-President and therefore, not tenable.

On the pleadings of the parties the learned predecessor court has framed the following issues:—

- (1) whether the applicant is required to work more than 8 hours and he had been on duty for 12 hours. If so its effect? OPD.
- (2) To what amount, if any, the applicant is entitled to recover from the respondent management? OPP.
- (3) Whether the written statement has been filed and signed by the authorised person. If not to what effect, OPD.

One more issue as under was added by me on 30-6-1979.

- (4) (1) Whether in the context of the pleadings of the parties, the matter involved in the petition is covered under section 33-C(2) of the Industrial Dispute Act or not OPP.

Findings on Issues:

Issue No. 1.—The applicants as noticed above, in their claim petition and replication, rested their claim on Minimum Wages Act and Rules and also various other Acts and Rules for double wages of extra work beyond eight hours daily.

Another basis for claiming double wages given in the replication is on the pattern of Fire Brigade Employees

Simla (Government undertaking). The only evidence that has been led by the appellants is the statement of Shri Beant Singh who is an applicant. He makes out a contradictory stand that at the time of his employment it was given out that Government service Rules regarding the duty performance shall apply to them, and at the same breath he says that they represented many a time to the Municipal Committee that their duty hours be reduced from 12 to 8 hours a day. Such representations are Ex. P.1 to Ex. P.4. So it means there is no legal basis for this claim with the applicants.

He makes reference to many irrelevant matters and goes on to say that at Simla, Fire Brigade work is done on three shifts a day basis.

On the part of the respondent Committee it is not disputed that the applicants are required to attend duty for 12 hours a day but the liability to pay any extra wages for 4 hours daily work is disputed and denied.

Under section 13 of the Minimum Wages Act fixing of hours for a normal working day has to be done by the State Government in respect of the scheduled employments for which minimum rates of wages have been fixed under section 3 of the said Act. For Municipal Committee, Solan, employees including the applicants connected with Fire Brigade section no such minimum wages have been fixed, nor daily working hours restricted to 8 hours. So section 14 of the Minimum Wages Act providing for overtime payment is not available to the applicants. However, the Municipal Committee Solan should in all fairness adopt there shift system of working with 8 hours daily duty for applicants instead of 12 hours presently prevailing. No other Act or Rules help the applicants.

Hence this issue goes against the applicants.

Issue No. 2.—The applicants are not entitled to any amount as over-time allowance, in view of issue No. 1 going against them.

Issue No. 3.—The written statements to the claim applications have been signed by the Senior Vice-President Municipal Committee which was later on ratified by the Resolution of the Municipal Committee, dated 8-9-1978. Senior Vice-President of the Committee acts for the President under section 27 of the Himachal Pradesh Municipal Act, 1968 by presiding over the committee meeting. He is the elected executive functionary. He can act for the Municipal Committee for signing the written statement which was also moved by the Committee afterwards. There is no prohibition against his doing so. The reliance on the bye-laws 22 (1) and (2) 1953 is misplaced which is as under:—

- (1) The Secretary shall be responsible for the remaining business of the Committee subject to the orders of the President and the Committee and shall so far as may conveniently be possible conduct the correspondence of the Committee.
- (2) The Secretary is authorised to conduct all suits appeals and proceedings instituted by or against the Committee.

The above power to the Secretary under the Bye-laws is an enabling power and it will in no way detract from the position and power of the President and Vice-President. In fact the Secretary has to function subject to the orders of the President that is, Vice-President in the absence of the President.

In any case the written statements is merely a denial of the claim of the applicants which the latter have to prove themselves. They cannot succeed on the default of the respondents. This technical objection has little relevance on merit. It was for the respondent Committee to disown the written statement which has been ratified by them. Therefore, this technical objection is of no avail to the plaintiff.

Issue No. 4.—Section 33-C (2) of the Industrial Dispute Act covers cases of recovery and calculation of monetary benefits based on existing established rights. The dispute in the present case is not based on any existing rights

admitted on the part of or established against the respondents. Otherwise it can be properly the subject matter of the Industrial Dispute, only in a reference under section 10 of the Industrial Dispute Act. Reference in this behalf may be usefully made to the Full Court judgment of the Gujarat High Court Nizamuddin Suleman vs. New Shorrock trng. and wng. Co. Ltd. and others, 1975 L.L.J. (11), 36.

Before concluding this case, I may consider application dated 15-9-1979 filed by the applicants for contempt of Court. It is a very vague application that the committee had decided to have three shifts working system for the Fire Brigade Employees and that at the same time the applicants were being pressurised to withdraw their claim petitions for over-time allowance. Neither proper particulars of the allegation made in the application are given nor it is necessary now to go into this aspect at the far end of the case which goes against the applicants.

In view of the nature of the claim and its legal implication, I leave the parties to their respective costs.

Copy of this order be given to the parties.

The record of the case is forwarded to the Secretary (Labour) to the Government of Himachal Pradesh under section 33-C (4) of the I.D. Act, 1947.

Announced to day the 23rd September, 1979 in the presence of the parties.

H. D. KAINTHLA,
Presiding Officer, Labour Court,
Himachal Pradesh, Camp at Solan.
Dated 23-9-1979.

जिमला-2, 28 जून, 1980

संख्या 8-28/79-अम.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में राज्यपाल, हिमाचल प्रदेश, श्री कर्तार चन्द, टोकन नं० 263 वी० तथा सुपरिटेन्डिंग इंजीनियर पर्सनल सर्कल, वी०एल०एल०, मुन्दरनगर (हिमाचल प्रदेश) के मध्य चल रहे विवाद पर प्रोजेक्टिंग ऑफिसर अम न्यायालय, हिमाचल प्रदेश द्वारा दिये गये निम्नांकित निर्णय जो सरकार को दिनांक 10-3-80 को प्राप्त हुआ है प्रकाशित करने के सहर्ष आदेश देते हैं:—

IN THE COURT OF PRESIDING OFFICER LABOUR COURT, HIMACHAL PRADESH CAMP AT SUNDERNAGAR

Shri Kartar Chand ..Applicant.

Versus

B.S.L. Project, through S.E., Personnel Circle, Sundernagar ..Respondent.

Case No. 55/77

Date of decision 3-12-1979

Judgement/Order

The applicant Shri Kartar Chand, Token No.263-B, got appointment as fitter on 22-1-1966, in B.S.L. Project, Sundernagar. He got promotion as Chageman Special-II Grade in 1972 and as Chageman Special-I with effect from 1-10-1974. He was retrenched on 11-11-1976.

2. The applicant alleges that he was governed under Certified Standing Orders and had no supervisory power so much so that he worked with his own hands. He was getting Rs. 610 total emoluments at the time of retrenchment. He has laid claim for retrenchment compensation for 11 years of his service, amount to Rs. 3,350.00 paise.

3. The respondent Project authorities have refuted the claim of the applicant on the plea that he was employed in supervisory capacity getting more than Rs. 500 as wages. That, therefore, he was not a workman entitled to make this application under section 33-C (2) of I.D. Act.

4. On facts, it is contended that the applicant was not working with his own hands being employed in supervisory capacity to direct the gang of workers and control them in the field job.

5. According to the respondents, the applicant was given terminal benefit of Rs. 990 as sanctioned to those employees who were not entitled to retrenchment compensation.

6. My predecessor learned Labour Court framed the following issues to settle the controversy between the parties:—

- (1) whether the petitioner is a workman as defined in section 2-S of the Industrial Disputes Act, if so, to what effect? OPP.
- (2) whether the petitioner is entitled to any amount? OPP
- (3) Relief.

FINDINGS ON THE ISSUES

7. Petitioner has only come himself into the witness box while on the respondents side, Shri Bhim Sen Kukreja XEN, and Shri Brij Mohan, S.D.O. (RW-1 and 2) have appeared as witnesses.

Issue No. 1

“Workmen” under the I.D. Act has been defined under section 2(s) as under:—

- (s) “Workman” means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person:—

- (i) who is subject to the Army Act, 1950 (46 of 1950) or the Air Force, 1950 (45 of 1950) or the Navy (Discipline) Act, 1934 (34 of 1934) (1); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

In the above definition the underlined portion is the relevant part for the purpose of the present issue.

8. The petitioner admittedly gets wages exceeding Rs. 500 but the only thing to be decided is whether he was employed in a supervisory capacity or not.

9. The petitioner himself states that he joined B.S.L. Project as Fitter in 1966 and was promoted Chargeman Special 2nd Grade in 1972, ultimately rose to the position of Chargeman Special-I Grade on 1-10-1973. He was retrenched in November, 1976. He admits to have received Rs. 990 as terminal benefit.

10. In the evidence in-chief, he averred that he used to work the drilling machine inside the tunnel and his gangmen were under the charge of the Overseer and S.D.O. But in cross-examination, he admitted that there were 70 to 80 workmen in the gang in which he worked. Out of them, three were fitters, two blast-man.

11. Shri Bhim Sen Kukreja, XEN, (RW-1) was the Divisional Executive Engineer of Harabag Tunnel Division in B.S.L., Project. The applicant worked as a Chargeman Special under him there. He tells us that according to the categorisation of the management, the Chargeman cadre is placed in the supervisory capacity. The applicant used to supervise other workers working under him and he had been giving demonstration about

the performance of various job to the workers. He was not to do any job with his own hands.

12. Shri Brij Mohan, S.D.O. (RW-2) stated from the records that the applicant was paid hazardous allowance at the lower rate meant for supervisory category staff, showing thereby that the applicant was not a workman but was holding supervisory capacity.

13. From the above evidence on both sides, it is made out that the applicant was not an ordinary worker, having no supervisory position. He was holding much higher position in the ladder of workers as admitted by him. The two responsible officers on the respondents' side have made it clear that the applicant was working in a supervisory capacity. They were the best persons to distinguish the working position of different workers working in the Project under their control. They have no interest to say anything incorrect while the applicant has an interest of getting more monetary benefit which may not be ordinarily due to him. The applicant has failed to produce any oral or documentary evidence of cogent and convincing character going to show that he was an ordinary workman at the time of retrenchment and not holding a higher position of supervision.

14. The learned author of “The Law of Industrial Disputes” by Malhotra, 1973, Second Edition, at page 287 has noticed the legal position as under:—

“The word “supervise” and its derivatives are not words of precise import and must often be construed in the light of the context, for unless controlled they cover as easily simple over sight and direction as manual work coupled with a power of inspection and superintendence of the manual work of others.” The words have to be construed in the context of the definition. But what determines the question whether a person is doing supervisory work or not is the nature of the duties and functions assigned to him. Dealing with the disputes with respect to the nature of the work performed by an employee as to whether it was of supervisory nature or otherwise, industrial adjudication generally considered essence of the matter and did not attach undue importance to the designation of the employee or the name assigned to the class to which he belonged. In other words, the designation of the employee was not considered of great importance and what was of importance was the real nature of his duties. It is always a matter of determining what the primary duties of an employee were—did he do clerical or manual work; if the answer was in the affirmative he was a workman, or were his duties of supervisory nature, if the answer was in affirmative, he was not a workman.

15. The learned author has further given the illustration of supervisory work at page 291 of the aforesaid commentary; that is:—

“The work of a gate sergeant in charge of the watch and ward staff of a tannery whose main duty was to look after the property of the factory by supervising his own men. The work of an assistant weaving supervisor—in a jute mill. On the facts of the case and the nature of the duties performed by the transport engineers employed in Burmah Shell Oil Storage and Distributing Co., of India were held to be working in supervisory capacity. The work performed by the Foreman (Chemicals) in view of the principal duties of such Foreman was held to be of supervisory nature and the manual work done by them was held to be of incidental nature. Since their salary was in excess of Rs. 500 per month they were held not blending supervisors working in Burmah Shell Oil Storage and Distributing Co., of India was held to be of supervisory nature. Similarly the work of Foreman and Depot Superintendents was of administrative and supervisory nature.”

16. From the above consideration of the factual and legal position it is concluded that the petitioner has been holding supervisory capacity at the time of his retirement and hence was not a workman.

17. Reliance of the petitioner on the Standing Order provisions that Identity Card Token-Badge shall be provided to every workman and that the petitioner was given token number to start with as a fitter and continued will not change the position. Moreover the issuance of token number by itself will not be materially decisive to determine the petitioner's status as a workman or a supervisory staff member. Standing orders are terms and conditions of service of all the workers who are not governed by Civil Service Rules, serving the Beas Sutlej Link Project, whether they are workmen or not in terms of Industrial Disputes Act.

18. Having found that the petitioner was holding supervisory position and not of a workman under the I.D. Act, he cannot maintain this petition under Section 33-C (2) of the I.D. Act. So the petitioner is out of the Court for availing this summary remedy meant for workmen.

Issue No. 2.

19. In face of the findings on issue No. 1, this issue does not arise but if the petitioner was to succeed under issue No. 2, then certainly he was entitled to *ex-gratia* grant available under the Beas Sutlej Link Project Notification No. 894-97/BP-351/(I) (P), dated 11th February, 1969.

Issue No. 3.

20. In view of the findings under issue No. 1, the petitioner's claim is rejected without any order regarding the costs incurred by the parties.

21. Order announced in the open Court at Sundernagar on 3-12-1979, in the presence of the parties.

H. D. KAINTHLA,
Presiding Officer,
Labour Court, Himachal Pradesh,
Camp at Sundernagar.

शिमला-2, 2 जुलाई, 1980

संख्या 8-28/79-अम.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में राज्यपाल, हिमाचल प्रदेश, श्री स्वर्ण सिंह तथा सुपरिन्टेंडिंग इंजीनियर परसोनल सर्विल बी0एस0एल0 प्रोजेक्ट, सुन्दरनगर के मध्य चल रहे विवाद पर प्रीजाईडिंग ऑफिसर अम न्यायालय, हिमाचल प्रदेश द्वारा दिये गये निम्नलिखित निर्णय जो सरकार को दिनांक 10-3-80 को प्राप्त हुआ है प्रकाशित करने के सहर्ष आदेश देते हैं:—

BEFORE THE LABOUR COURT FOR THE STATE OF HIMACHAL PRADESH CAMP AT SUNDER NAGAR

Case No. 21 of 1976

Shri Sarwan Singh ..Petitioner.
Versus

B.S.L. Project through the Superintending Engineer (Personnel) ..Respondents.

Application under Section 33-C(2) of the Industrial Disputes Act, 1947.

ORDER

The applicant joined B.S.L. Project in 1969 and has been working as Driller since 1-3-1971.

2. In B.S.L. Project, there are two classes of Drillers. One is Driller (Open-Cut) in the scale of Rs. 110-180 while the other class is that of Driller (Tunnel) in the scale of Rs. 120-250. The grievance of the applicant is that

he has been working as Driller inside the tunnel and has been paid the lesser scale of Rs. 110-180 whereas he is entitled to the grade of Rs. 120-250. Therefore, he claims the difference of the emoluments so paid less to him amounting to Rs. 670.40 P.

3. The respondents have contested this claim of the applicant on legal as well as factual grounds, it is contended that the applicant is claiming a higher grade and change of his status in service as different from that admitted by the respondents. That such a claim is not entertainable under section 33-C(2) of the Industrial Disputes Act, 1947 (I.D. Act).

4. On facts, it is asserted that the applicant has been working as Driller (Open-cut) and not Driller (Tunnel). Therefore, he has been correctly paid the salary scale meant for him.

5. The issues framed by my learned predecessor, to determine the dispute between the parties are as under:—

1. Whether this petition is not maintainable as alleged? OPP.
2. Whether the petitioner is entitled to recover any arrear as is being claimed by him? OPP
3. Relief.

Findings on the issues:

6. The applicant has examined one Mangat Ram (RW-1), besides himself in evidence and on the respondents' side also two witnesses have been produced in evidence.

Issue No. 1

7. Obviously, the applicant has been paid and treated as a Driller (Open-cut) in the scale of Rs. 110-180 throughout by the respondents right from 1971 till 1976, when he filed this application under Section 33-C(2) of the I.D. Act. Thus, the applicant is claiming higher scale of pay then he has been given and paid. Such a claim is not the matter of computing or calculating a monetary benefit available to a workman on the existing right. He wants to create a new right of a higher grade post for himself, which is not admitted by the other side. Such a matter is not entertainable by this Court under Section 33-C(2) of the I.D. Act. The applicant ought to have pursued a proper remedy by way of raising an industrial dispute to be adjudicated on a reference to the Labour Court or the Labour Tribunal under Section 10 of the I.D. Act. So this issue goes in favour of the respondents. This petition therefore is not maintainable.

Issue No. 2.

8. Though in face of the finding on issue No. 1, this issue becomes redundant but even if the claim of the applicant is considered, ignoring the above finding, I find that he has failed to prove that he was working as Driller (Tunnel) entitled to a scale of Rs. 120-250. For this finding, my reasons are as follows:—

9. The applicant could produce only one worker, Shri Mangat Ram (RW-1) to support his case for working as Driller in the Harabag Tunnel, for the period from 1972 to 1976. But this witness also qualified his statement in the cross-examination that the applicant used to work inside the tunnel at the head, meaning thereby that he did not work inside the tunnel where excavation went on throughout the length of the tunnel.

10. The applicant himself stated that he was paid hazardous allowance for working inside the tunnel but has failed to corroborate this contention with documentary record showing the nature of the job done by him,

11. On the respondents' side, S/Shri Brij Mohan Salwan, S.D.O. Administration and Santokh Singh, S.D.O. Auto-shop (RW-1 and 2), have not stated that the record of applicant's service consistently shows, him as a Driller (Open-cut) and not a Driller (Tunnel) with the scale meant as Rs. 110-180 and not Rs. 120-250. RW-2 further stated that the applicant had been working under his

direct control as Driller (Open-cut) outside the tunnel or even inside when required but not as Driller (Tunnel), who has to work on the excavation work of the tunnel. According to this witness, the applicant did not work on the excavation job of the tunnel but worked only on the concreting job of the excavated tunnel.

12. From the above merits of the evidence in the case on both sides, it is concluded that the applicant is chasing a shadow claim of his own imagination for a higher scale of pay which is not available to him on actual facts of the job he has been doing. Moreover, the B.S.L. Project is a Governmental work establishment with Rules and Regulations and it is not credible and believable that they will deny their workers their proper wages. The applicant has come to this Court after five years for claiming a higher scale which is not substantiated by him to be justified. Therefore, this issue also goes against the applicant that he is not entitled to any more wages than what he has been paid already.

Relief.

The result is that this application is rejected but I leave the parties to their own costs.

Announced :
June 2, 1979.

H. D. KAINTHLA,
Presiding Officer Labour Court,
for the State of H.P. Camp at Sundernagar.

शिमला-2, 28 अगस्त, 1980

संख्या 8-27/80-अम.—प्रोद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में राज्यपाल, हिमाचल प्रदेश, श्री कुलदीप कुमार, फिटर जनरल टोकन नं० 151-एफ तथा सुपरिटेन्डिंग इंजीनियर परसोनल व्हास सतलुज लिंक प्रोजेक्ट, सुन्दर नगर के मध्य चल रहे विवाद पर प्रीजाईडिंग आफिसर थम न्यायालय हिमाचल प्रदेश द्वारा दिए गए निम्नलिखित निर्णय को जो सरकार को दिनांक 17-7-80 को प्राप्त हुआ है राजपत्र हिमाचल प्रदेश प्रकाशित करने के सहप्राप्त आदेश देते हैं:—

Before the Presiding Officer (H. D. Kainthla, District and Sessions Judge, Solan Sessions Division) for Labour Court for State of Himachal Pradesh Circuit at Sundernagar

CASE No. 72/77

Shri Kuldeep Kumar, designation Fitter, General Token No. 151-F. . . Applicant.

Versus

Beas Sutlej Link Project through Superintending Engineer personnel Circle, Sundernagar, District Mandi (H.P.). . . Respondent.

Application under section 33(C) of the Industrial Dispute Act, 1947.

ORDER

The applicant had been working as Fitter General, in Bharari Repair Workshop of the B.S.L. Project from 7-1-1976 to 20-8-1977. His services came to be terminated under one month's retrenchment notice issued to him. He contends that he was entitled to three months notice and therefore, he should be given two months pay in lieu of the sort notice. Under section 25(L) and (N) the workshop where he was working being a factory covers his case.

2. The respondents have opposed the claim on the ground that the applicant was discharged from service due to partial closure of the project work and he is not entitled to retrenchment notice for three months. B.S.L. Project is a construction project engaged in the construction of Dam, tunnels and canals. It is stated that the Hon'ble High Court of Punjab and Haryana in a number of writ petitions of the workers of the project has held the retrenchment in the B.S.L., project is due to partial closure of the work and not an ordinary retrenchment.

3. My learned predecessor framed the following issues:—

- (i) whether the notice for three months is not required to be served on the applicant workman before the retrenchment of his service, as alleged in para No. 1 of the written-statement.
- (ii) to what amount, if any is the applicant entitled to recovery OPP.
- (iii) Relief.

FINDINGS ON THE ISSUES

ISSUE No. 1

4. The applicant in his own statement (PW-1) has stated that he was working as a General Fitter from 7-1-1976 to 20-8-1977 in the B.S.L. Project field workshop. He has not given the place where this field repair shop was situated. He admitted in cross-examination that about 2,500 workmen have been retrenched by the Project. He puts the number of workmen in the workshop at 500 but at the same time states that this workshop has got branches at Bharari by pass and bridge of Slappar. That the factory and its branches are registered at No. 266 under the Factory Act.

5. The applicant has not examined any other evidence except making his own statement.

6. On the respondent's side S/Shri Prem Kumar Accounts Clerk and Vimal Parkash Chopra, S.D.O., Slapper Field Elect. and Technical Division (RW 1 and 2) have been examined. Their evidence makes out that the discharge of the applicant vide notice Ex-RWI/A due to partial closure of the Project work and that Bharari repair shop had only 199 work employees in August, 1977. That during the one Year's period the employees of the Workshop never exceed 300. This Bharari workshop was separately registered as factory and other workshops were separately registered.

7. Now it has to be seen whether in face of the above facts as shown by evidence, the applicant can avail the provisions of section 25-N, Chapter V-B of Industrial Dispute Act (I.D. Act) which pay down the condition of three months notice in writing to be necessary for effecting the retrenchment of an employees working in any industrial establishment to which the provisions of the said Chapter are applicable. For the following reasons the applicant's case is not covered by the aforesaid provisions:—

1. Firstly section 25-N of I.D. Act contemplates a case of retrenchment. But the applicant was discharged from service vide notice Ex-RWI/A. It makes plan that his services came to be discharged with effect from 20-8-1977 due to partial completion of work. So this is not the usual and ordinary retrenchment brought about at the will and planning of the employer. This is a case of closure of the work. i.e. partial closure. Section 25-F covers the case of and ordinary retrenchment while section 25-FFF speaks of retrenchment due to closing down of the undertaking.

The Hon'ble Punjab and Haryana, High Court in a full bench authority Sunder Singh and another versus Beas Construction Board and other Civil writ petition No.3325 of 1977 decided on 10-1-1978 has held following the Hon'ble Supreme Court authorities. Payment of wages Inspector Ujjain versus Suraj Mal Mehta, Director the Barnagar Electric Supply and Industrial Co., Ltd., and another A.I.R. 1969. SC. 590 and M/s Hathising Manufacturing Co., Ltd., Ahmedabad and another versus Union of India and another A.I.R. 1960, S.C., 923 that the retrenchment effected by Beas Construction Board covering B.S.L. Project is a case of partial closure under section 25-FFF and not under 25-F of Industrial Dispute Act. Therefore, the applicant is not entitled to three months notice for his discharge from service on such a partial closure of the Project work.

2. Again provisions of 25-N, Chapter BV of ID Act are not available to the applicant because of the non-fulfilment of the conditions laid down in section 25-K of the said Act where under the industrial establishment i.e., factory in this case, should not be an establishment

of seasonal character and in which less than 300 workers were employed on an average per working day for the preceding 12 months.

8. The twin condition later down under section 25-K is lacking in this case. Firstly the workshop of the Dam construction is not a permanent undertaking. It will come to an end on the completion of the Dam construction. So it is establishment of a seasonal character or a limited period character. This is so provided under section 25-FFF (1)(b) of the I.D. Act.

9. Secondly it is not at all establishment by the applicant that the workshop (factory) where he was last working was employing not less than 300 workmen on an average per working day for the preceding 12 months. The applicant in his own statement has not given the name and place of workshop but in his application he has mentioned (Bharari Field Repair shop). Then in his evidence the applicant further says that this workshop has got branches of Bharari by-pass bridge of Slapper. He has given the number of Workers in the workshop as 500 while the S.D.O. Slapper Filed (Elec. and Mechanical Division). Shri Bimal Prakash Chopra (RW-2) has specifically stated that in August, 1977 the workers in Bharari repair workshop were 199 and during the one year's period the employees never exceeded 300.

10. Then the entries in the list of registered factory working as on 31-12-1974 are to show that at serial No. 266 the said workshop is entered with working strength of 300. Here there is two-fold Snag. First list is of the year, 1974 while the applicant was discharged in 1977. Second, the serial No. 266 denotes Field repair workshop Slapper and not filed repair workshop Bharari where the applicant was working.

11. From the above it is made out that this issue goes in favour of the respondent and I hold that the applicant workman was not entitled to three months notice before the discharge from his service.

ISSUE No. 2

12. The applicant is not entitled to any amount in view of the finding on issue No. 1 otherwise he could claim two months salary amount.

RELIEF

In result the applicant gets no relief and the application is dismissed without any order as to costs.

Announced.

H. D. KAINTHLA,
Presiding officer,

Dated July 4, 1980 Labour Court (District and Sessions
Judge, Solan Sessions Divisions)
Circuit at Sundernagar.

आदेश द्वारा,
हस्ताक्षरित
सचिव ।

M.P.P. & POWER DEPARTMENT

NOTIFICATION

Simla-171002, the 25th November, 1980

No. M.P.P.-F(5)-45/77.— Agreement made between the Himachal Pradesh State Electricity Board and the Government of Himachal Pradesh through the Secretary (M. P. P. & Power) for the construction of Temporary Labour huts for Andhra Hydel Project at Chirgaon in Simla district is hereby published in the Gazette for the information of general public under section 42, of the Land Acquisition Act, 1894.

Sd/-

Deputy Secretary.

AGREEMENT

This Agreement is made on the 20th day of November, 1980, between the Himachal Pradesh State Electricity Board having its headquarters at Simla [as statutory body incorporated under the provision of the Electricity (Supply) Act, 1948 (Act No. LIV of 1948) through Shri

H. S. Dubey, Chairman, Himachal Pradesh State Electricity Board (herein called "The Company" which expression shall, unless the context otherwise required, include his successors in office and assignees) of the one part and the Governor of Himachal Pradesh, through the Secretary (M.P.P. & Power), Government of Himachal Pradesh (hereinafter called "The Governor" which expression shall, unless the context otherwise require, include his successors in office and assignees) of the other part.

Whereas for the purpose of the construction of Temporary labour huts for Andhra Hydel Project at Chirgaon in Simla district, the company has applied to the Government of Himachal Pradesh for the acquisition under the provisions of the Land Acquisition Act, 1894, for the piece of land containing an area of 1-11 Bighas, as per detail noted in the specification below situated in village Gaskawari, Tehsil Rohru, District Simla, and more particularly described in the schedule hereto and delineated in the plan hereunto annexed;

And whereas the said Government of Himachal Pradesh being satisfied by an enquiry held under section 40 of the said Act that the proposed acquisition is needed for the aforesaid purpose and that the said work is likely to prove useful to public, has consented to acquire on behalf of the company, the piece of land hereinbefore described;

And whereas the said Government of Himachal Pradesh has required the company under the provision of section 41 of the above mentioned Act to enter into the Agreement with the Governor hereinafter contained;

Now this indenture witnesseth that it is hereby agreed and declared as follows:—

1. On demand the company shall and will pay to the said Government all and every amount in lieu of the said land tendered, paid or awarded or to be tendered, paid or awarded by the Collector under the Land Acquisition Act, 1894, or by Court or Courts to which an appeal from the award of the said Court may be preferred and all costs, charges and expenses of the proceeding in the aforesaid Courts, or otherwise incidental of the proposed acquisition or payable in respect thereof under the provisions of said Act.
2. On demand made by the said Collector the obligations of the company under the last preceding clause not being thereby, limited, the company shall and will deposit with the said Collector such sum or sums of money as in his discretion, the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.
3. On payment by the company of all demands under the foregoing first clause, or in the discretion of the said Government (on deposit by the company of all estimated amounts as provided in the second clause), but not before possession shall have been taken under the provisions of the above mentioned Act, the Government shall make over possession of the said land to the company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the company.
4. The said land shall be held by the company for the purpose of such as construction of Temporary Labour huts at Chirgaon in Simla district, as is hereinbefore mentioned and without the sanction in writing of the said Government first had and obtained for no other purpose whatsoever.
5. The construction of Temporary Labour huts at Chirgaon in Simla district shall be completed (and fully equipped in all respects ready for use) within minimum period of 2 years from the date on which possession of the said land shall have been given to the company.
6. Should the said land/labour huts not be completed (and fully equipped in all respect ready for

use) within the period stated in the last preceding clause or within such further period as in its discretion may be prescribed or allowed by the said Government or should the said land at any time thereafter cease for a period of six consecutive months to be held and used or cease to be required for the purpose or purposes provided for in the foregoing fourth clause then and in any such case, the said Government may summarily re-enter upon and take possession of the said land together with all land/building thereafter whether such land/buildings were erected before or after the transfer of the land to the company, and thereupon the interest of the company in the said land and buildings shall absolutely cease and determine.

7. On taking such possession the said Government may sell or otherwise deal with the said land and building as it may think proper:—

(i) Should the said Government sell the land with the land/buildings the said Government after deducting the expenses incurred in connection with the said taking of possession and with such sale shall pay the proceeds to the company.

(ii) Should the said Government decide not to sell the land the said Government shall retain the said land thereon in which case the Government shall repay to the company the market value as on the day of re-entry of all the land/buildings erected by the company and all sums received from the company in respect of all and every amount as provided in the foregoing first clause (less the statutory allowance of 15 per cent and less any amount received on account of trees and buildings which are not in existence at the time of resumption) but will not repay any sums paid and received on account of costs, charges and expenses of acquisition.

(iii) Should the said Government decide to sell the land only upon such sale, the Governor, shall after deducting the expenses of taking possession and selling pay the balance of the proceeds of sale to the company, together with the sum received from the company in respect of the amount for the land (less the statutory allowance of 15 per cent and less any amount received from the company on account of trees and buildings etc. which are not in existence at the time of resumption), but will not repay any sum paid and received on account of costs, charges and expenses of acquisition.

8. Should any dispute of difference arise touching or concerning the subject matter of this agreement or any convenient clause or thing herein contained, the same shall be referred to the Secretary (Law) to the Government and opinion and the decision of the aforesaid Secretary (Law) upon such dispute or difference shall be final and conclusive and binding on the parties thereto.

In witness whereof Shri H. S. Dubey, Chairman, Himachal Pradesh, State Electricity Board for and on behalf of the Himachal Pradesh State Electricity Board and Shri H. S. Dubey, Secretary (M.P.P. & Power) to Himachal Pradesh Government, Simla-2 for and on behalf of the Governor of Himachal Pradesh, have hereunto set their respective hands and seal on the day and year first above written.

H. S. DUBEY,
Chairman,
H. P. State Electricity Board,
Simla-4.

Witnesses:

1. Sd/-
(W. F. DESOUZA),
Member (Electrical),
H.P. S. E.B., Simla-4.

2. Sd/-
Secretary,
H.P. State Elec. Board,
Simla-171004.

Signed, sealed and delivered
by

Witnesses:

1. ह०/-
अनुभाग अधिकारी
(राजस्व शाखा)
हि० प्र० सचिवालय,
शिमला-2.

Sd/-
Secretary (M.P.P. & P.)
to the Govt. of Himachal Pradesh,
on behalf of Governor of
Himachal Pradesh.

2. Sd/-
Deputy Secretary (M.P.P.)
to the Government of
Himachal Pradesh.

All that piece or parcel of land situated in Village GOSKAWARI containing an area of 1-11 Bighas detailed as under:—

SPECIFICATION

District: SIMLA

Tehsil: ROHRU

Village	Khasra No.	Area	
		Big.	Bis.
1	2	3	4
GOSKAWARI	245/1/1	1	11

H. S. DUBEY,
Chairman,
H.P. State Elec. Board, Simla-4.

Sd/-
Secretary (M.P.P. & P.)
to the Govt. of Himachal Pradesh,
Simla-2.

लोक निर्माण विभाग

अधिमूचनाएं

शिमला-171002, 24 नवम्बर, 1980

सं० लो० नि० ख-1(1)-12/80.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को अपने व्यय पर सार्वजनिक प्रयोजन के लिये नामतः उत्तर प्रदेश सरकार के अधीनस्थ वन रही यमुना हाईडल स्कीम द्वितीय चरण के विवरों एवं खोदरी विद्युत गृह और सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निदिष्ट किया गया है उपरोक्त प्रयोजन के लिये भूमि का अर्जन अपेक्षित है।

2. यह अधिमूचना ऐसे सभी व्यक्तियों को जो इस से सम्बन्धित हो सकते हैं, की जानकारी के लिये भू-अर्जन अधिनियम की धारा 4 की उप-धारा (1) के उपबन्धों के अन्तर्गत जारी की जाती हैं।

3. पुर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों उनके कमचारियों और श्रमिकों को इलाके में किसी भूमि को प्रवेश करते और सर्वेक्षण करने और उस धारा द्वारा अपेक्षित या अनुमत अन्य सभी कार्य करने के लिये सहर्ष प्राधिकार देते हैं।

4. अत्याधिक आवश्यकता को दृष्टि में रखते हुये राज्यपाल उक्त अधिनियम की धारा 17 की उपधारा (4) के अधीन यह भी निदेश देते हैं कि उक्त अधिनियम की धारा 5 ए के उपबन्ध इस मामले में लागू नहीं होंगे।

जिला: सिरमौर	विस्तृत विवरण	तहसील: पोंटा	1	2	3	4
मोजा/गांव	खसरा नं०	क्षेत्र बी०वि० एकड़				
1	2	3 4 5				
किलोड	16611361136/ 211	1 8 0 30		100	0	10
	16012411	1 14 0 36		105	0	4
	16012412	0 12 0 12		106/1	0	5
	411	0 12 0 12		108/1	0	5
	51211	1 5 0 26		109/1	0	1
	11212211	1 8 0 30		111 1	0	17
	11212212	0 5 0 05		112/1	0	5
	1061611	0 14 0 04		127 1	0	18
	1251114	2 14 0 56		132/1	0	2
कलाया	57611	0 7 0 07		133/1	0	13
	55411	1 13 0 35		174	0	9
	57411	0 16 0 17		139/1	0	4
	56711	1 17 0 39		140/1	0	12
	571	0 10 0 10		141/1	0	6
	57511	0 13 0 14		150/1	0	5
	57513	0 7 0 07				
	57211	0 3 0 04				
	54511	0 11 0 17				
	54513	0 3 0 04				
	54514	0 18 0 18				
टोह	57311	0 4 0 04				
	42411	1 18 0 40				
				योग . . . 28	10	6

आदेश द्वारा,
हस्ताक्षरित/-
सचिव ।

REVENUE DEPARTMENT
(PONG DAM CELL)
NOTIFICATIONS

Simla-171002, the 9th October, 1980

No.13-6/69-Rev.Cell.—In supersession of this Department notification of even number, dated the 9th April, 1980 the Governor, Himachal Pradesh is pleased to re-constitute the Beas-Sutlej Link Project Oustees Rehabilitation Committee to advise the Government in proper rehabilitation of Oustees and other matters concerned therewith for the period of one year from the date of issue of this notification consisting of the following persons namely:—

- | | | |
|---|----|----------|
| 1. Chief Minister | .. | Chairman |
| 2. Revenue Minister | .. | Vice- |
| 3. Shri Sukh Ram, Agriculture Minister | | Chairman |
| 4. Raja Vir Bhadra Singh, M.P. | .. | Member |
| 5. Shri Tulsi Ram, M.L.A. | .. | -do- |
| 6. Shri Dile Ram, M.L.A. | .. | -do- |
| 7. Shri Ramesh Verma, ex-M.L.A. | .. | -do- |
| 8. Shri Piru Ram, ex-M.L.A., Ner Chowk, Mandi | .. | -do- |
| 9. Capt. Mohan Singh, Village Palasi, P.O. Baldwara, Tehsil Sarkaghat, District Mandi | .. | -do- |
| 10. Pradhan, Zila Parishad, Mandi | .. | -do- |
| 11. Pradhan, Nagar Palika, Sundernagar | .. | -do- |

Officials:

- | | | |
|--|----|-------------------|
| 12. Financial Commissioner, Himachal Pradesh | .. | Member |
| 13. Divisional Commissioner, Kangra Division, Dharamsala | .. | -do- |
| 14. Deputy Commissioner, Mandi | .. | -do- |
| 15. Deputy Commissioner (R & R) Talwara | .. | -do- |
| 16. Deputy Secretary (Pong Dam) | .. | Member-Secretary. |

2. The non-official members of the Committee will be entitled to draw travelling allowance (Mileage and Daily Allowance) in respect of the journeys that may be performed by them in connection with the work assigned to the Committee, as per Annexure.

3. The official members will be entitled to the travelling allowance admissible to them according to the rules governing them.

4. The Deputy/Under Secretary, GAD to the Government of Himachal Pradesh will be the Controlling Officer in regard to the countersigning of the travelling allowance bills of the non-official members and the T.A. Bills of

शिमला-2, 27 दिसम्बर, 1980

संख्या 9-12/73-पी०डब्ल्यू०बी०.—चूंकि हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि सरकारी व्यय पर सार्वजनिक प्रयोजन के लिए अर्थात् ममलोग-डोमेहर सड़क के निर्माण के लिए भूमि ली जानी अपेक्षित है। अतः एतद्वारा यह घोषित किया जाता है कि निम्न-लिखित विस्तृत विवरण में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भू-अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सम्बन्धित व्यक्तियों के लिए घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन समाहर्ता भू-अर्जन, हिमाचल प्रदेश लोक निर्माण विभाग को एतद्वारा उक्त भूमि के अर्जन के लिए आदेश देने का निदेश दिया जाता है।

3. भूमि का खाका समाहर्ता भू-अर्जन, हिमाचल प्रदेश लोक निर्माण विभाग, शिमला-3, हिमाचल प्रदेश के कार्यालय में निरीक्षित किया जा सकता है।

जिला: सोलन	विस्तृत विवरण	तहसील: कण्डाघाट		
गांव	खसरा नं०	क्षेत्र बीघा विस्वा		
1	2	3 4		
सनेट (2.5)	73/1	1 4		
	76/1	0 4		
	70/1	0 10		
	82/1	0 12		
	80/1	0 2		
	84	0 14		
	85	0 5		
	86/1	0 1		
	89/1	0 6		
	95	0 2		
	96	0 8		
	98/1	0 1		
	98/2	0 1		

these members will be prepared by the Secretariat Administration (Accounts section) of the Personnel Department.

5. The expenditure involved will be debitable to Major head "252—Sectt. Services (a) Secretary (a)(i) Chief Secretariat Travel Expenses".

6. This issues with the concurrence of the Finance Department obtained vide their Dy.No. 1937-Fin(e)B-(15)5/78, dated 24-9-1980.

ANNEXURE

Notification No. 13-6/69-Rev.Cell, dated 9th October, 1980.

1. T.A. and D.A. to non-official members of the Committee—

(i) *Travelling allowance (journey by rail).*—(a) *Members of Parliament.*—A member of Parliament serving on the Advisory Committee will utilise the free first class fare issued to him as M.P. in respect of all journeys undertaken by him on the business of Advisory Committee. He will not travel by air conditioned accommodation at Government expense. If such a Member travels by air conditioned coach, he will pay the difference between the fare for the air conditioned and first class accommodation from his own pocket.

(b) They will be treated at par with Government servants of the first grade, and will be entitled to actual rail fare of the class of accommodation actually used but not exceeding the fare in which the Government servants of the First Grade are normally entitled i.e. accommodation of the highest class by whatever name it may be called provided on the railway by which the journey is performed

(ii) *Journey by road.*—They will be entitled to actual fare for travelling by taking a single seat in a public bus, and if the journey is performed by motor cycle/scooters, mileage allowance at 33 paise per k.m. for plain areas and 43 paise per k.m. for hilly areas, and if the journey is performed by own car, the Members will be entitled to mileage allowance at Rs.1.10 paise per k.m. for journeys in the plains and at Rs. 1.45 paise per k.m. in the hilly areas and by full taxi at Rs. 1.40 paise per k.m. (which rates are inclusive of elements of 33-1/2 per cent increase for H.P.).

(iii) In addition to the actual fare or mileage as per item (i) and (ii) above, a member shall draw daily allowance for the entire absence from his permanent place of residence starting with arrival at that place at the same rate and subject to the same terms and conditions as apply to Grade 1 Officers of the State Government.

2. Daily Allowance:

(i) Non-official members be entitled to draw daily allowance for each day of the meeting at the highest rate as admissible to a Government servant of the First Grade for the respective locality.

(ii) In addition to daily allowance for the day(s) of the meeting a member shall also be entitled to daily allowance for halt on tour at out-station in connection with the affairs of the Committee as under:—

(a) if the absence from headquarters does not exceed 5 hours .. Nil.

(b) if the absence from Headquarters exceeds 6 hours but does not exceed 12 hours .. 70%

(c) If the absence from Headquarters exceed 12 hours .. Full

3. Conveyance allowance:

A member, a resident at a place where the meeting of the Committee is held will not be entitled to travelling and daily allowance on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs.10.00 per day. Before, the claim is actually paid the Controlling Officer should verify the claims and satisfy himself after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed.

If such a member used his own car, he will be granted mileage allowance at the rates admissible to officials of the first grade subject to a maximum of Rs. 10.00 per day.

4. The travelling and daily allowance will be admissible to member on production of a certificate by him to the effect that he has not drawn any travelling or daily allowance for the same journey and halts from any other Government source.

5. The members will be eligible for travelling allowance for the journeys actually performed in connection with the meeting of the Committee from and to the place of their permanent residence to be named in advance. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the Committee or returns to the place other than the place of his permanent residence after the termination of the meeting, travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting whichever is less.

6. *Members of the Parliament.*—The Member of Parliament on the Advisory Committee in respect of journey performed by him by rail, road, air and steamer in connection with the work of Committee, shall be entitled to TA/DA on the same scale as is admissible to him under Salaries and Allowances of Members of Parliament Act as amended from time to time.

7. *Members of Vidhan Sabha.*—The non-official members who are members of the Vidhan Sabha shall be entitled to TA/DA in respect of journeys performed in connection with the work of the Committee on the scale as is admissible to them under Salaries and Allowances of Members of Legislative Assembly Act as amended from time to time.

8. The Members will not be entitled to daily allowance in connection with their assignment when the Vidhan Sabha or the Vidhan Sabha Committee on which the members are serving is in session as they will be drawing their daily allowance under the Salaries and Allowances of members of the Legislative Assembly (H.P.) Act, 1971 from the Vidhan Sabha. However, if they certify, that they were prevented from attending the session of the House or the Vidhan Sabha Committee and did not draw any daily allowance from the Vidhan Sabha, they would be entitled to daily allowance at the rate as prescribed.

9. The provision of rule 4.17 and 6.1 of the Himachal Pradesh Treasury Rules will apply *mutatis mutandis* and is in the case of over payment made on account of travelling allowance to non-official members.

10. The member will also not draw T.A. and D.A. including conveyance allowance which will disqualify them from the Vidhan Sabha.

11. *Official Members.*—The official members shall be entitled to the travelling and daily allowance admissible to them according to the rules governing them.

Simla-171002, the 5th November, 1980

No. Rev.I(A)(2)-2/76.—In exercise of the powers vested in him under section 3(2) of the H.P. Restitution of the Mortgaged Land Act, 1976 (Act No. 20 of 1976) and all other powers enabling him in this behalf the Governor, Himachal Pradesh, is pleased to specially empower Shri Paras Ram, S.D.O. (C), Dalhousie, District Chamba who is the Assistant Collector of First Grade to perform the duties of Collector for the purpose of the said Act to be exercised by him within the local limits of Dalhousie Sub-Division with immediate effect.

By order,
P. P. SRIVASTAVA,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

लोक निर्माण विभाग

अधिसूचनाएं

1 2 3 4

जबकि हिमाचल प्रदेश के राज्यपाल को प्रतीत होता है कि जनता के व्यय पर हिमाचल प्रदेश सरकार द्वारा मार्बलजिनिक आदेश के लिए तथा* के लिए भूमि की जानी अपेक्षित है, एतद्वारा यह अधिसूचना किया जाता है कि निम्नवर्णित स्थान में भूमि का उपर्युक्त प्रयोजन* के लिए अर्जित किया जाता सम्बन्धित है।

यह अधिसूचना भू-अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत उन सभी को की गई है त्रिनये यह सम्बन्धित है।

उपरोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए हिमाचल प्रदेश के राज्यपाल इस व्यवसाय में संलग्न अधिकारियों को अपन नौकरों तथा कारीगरों सहित इलाका में किसी भूमि में कार्यवाही आरम्भ करने तथा सर्वेक्षित करने और अन्य सभी कार्यभार उस धारा द्वारा अपेक्षित अथवा अनुमन है को करन हेतु प्रवेश करने के लिए प्राधिकृत करते हैं।

कोई भी हितवद्ध व्यक्ति जिसे इलाका में उक्त भूमि के अर्जन में कोई आपत्ति हो वह अधिसूचना के प्रकाशन के 30 दिनों के भीतर लिखित आपत्ति दायर कर सकता है।

*थडयारा-देवीधार

नं० ई० 11-54-2/80-14639-42.

शिमला-171003, 1 नवम्बर, 1980

जिला: शिमला

तहसील: रोहड़ू

गांव	खमरा नं०	क्षेत्र	
		बीघा	बिम्बा
1	2	3	4
टोटसा	1170	2	16
	280	0	8
	1016	1	10
	1701/1015	0	13
	1702/1015	0	19
	2112/942	0	4
	1911/947	0	5
	1913/982	4	10
	984	2	19
	990	0	8
	991	0	6
	1907/943 मिन	0	3
	1908/943 मिन	0	2
	1913/982 मिन	3	6
	1907/943 मिन	0	1
	1910/947	0	6
	1912/982	2	7
	992	0	8
	1008	1	4
	1908/943	0	3
	1173	1	1
	994	0	6
	995	0	11
	753	0	4
	923	0	2
	944	0	4
	993	0	4
	996	0	4
	997	0	6
	1009	1	5
	1017	2	12
	1174	0	16
	1175	1	9
	913	1	1
	2111/942	0	18

998	0	5
1007	2	4
921	0	10
989	1	2
1006 मिन	2	6
1172 मिन	2	4
946 मिन	1	14
988	1	0
1006 मिन	2	0
1182	1	9
1172 मिन	1	10
948	4	3
914	3	4
1012	2	11
912	2	19
907	2	14
908	0	9
920	0	4
928	0	2
929	0	2
952	2	4
1196	0	12
1689/925	0	15
907	0	17
919	0	12
951	2	9
1181	2	7
930	0	3
917	0	11
940	3	10
937	0	1
938	0	1
1176	0	12
1184	1	0
916	0	7
1018	1	18
915	1	3
955	2	13
1697/1690/925	0	12
934	0	1
878	0	6
879	3	8
936	0	2
933	0	1
941	3	7
949	1	1
1177	0	10
422	0	9
425	0	7
285	0	8
1189	1	1
1190	1	2
1302 109	2	6
440	0	7
286	2	3
287	4	4
1193	1	14
439	0	17
284	0	10
283	0	17
288	1	13
771	0	15
1167	1	13
1168	1	11
2037/430	1	3
2036/429	1	17

1	2	3	4	1	2	3	4
	2052/853	1	15		1932/379	1	0
	428	0	3		981	2	2
	2038/430	0	10		274	0	14
	2035/429	1	14		276	4	0
	2053/853	1	10		275	4	4
	1187	2	12		385	0	18
	1191	1	0		1725/273	0	15
	839	0	4		1717/380	0	17
	1003	2	6		395	0	12
	838	0	5		1011	1	7
	855	2	14		1719/871	0	5
	831	1	0		271	0	4
	438	0	18		270	0	18
	847	0	18		1725/273	1	1
	847 मिन	0	17		1719/380	0	15
	401	1	12		1720/871	0	2
	426	0	8		432	0	12
	400	0	11		768	0	13
	399	1	10		769	0	5
	398	1	10		375	2	5
	1834/783	0	16		411	0	11
	1918/852	1	5		731	0	11
	1817/403	0	10		773	0	10
	1922/977 मिन	0	7		767	0	7
	1923/977 मिन	2	13		417	0	9
	1924/977 मिन	3	0		431	0	10
	1945/1921/862	0	2		846	1	19
	1920/862	0	9		1808/841	1	2
	402	0	11		1809/841	0	4
	1818/403	0	13		1810/841	0	9
	752	0	10		410	0	19
	1922/977	2	4		764	1	15
	1944/1921/862	0	3		415	0	7
	1919/852	1	5		1606/418	0	11
	2025/295	3	1		420	0	6
	856	1	1		2033/404	1	16
	766	0	6		2051/849	1	7
	774	0	8		2034/404	1	4
	775	0	13		772	0	12
	848	1	11		843	0	8
	1013	2	19		2050/842	1	8
	1014	2	2		405	0	8
	277	0	15		406	0	6
	278	0	6		407	0	7
	292	4	12		408	0	7
	849	1	12		409	1	5
	291	2	2		410	0	9
	850	1	18		785	1	0
	953	0	16		421	0	6
	868	0	6		423	0	17
	778	0	11		416	0	9
	394	0	4		424	0	12
	870	0	1		2140/397	1	16
	1881/281	3	4		433	0	13
	1872/412	0	6		434	1	0
	1882/281	1	1		950	2	17
	1847/983	0	19		393	0	9
	1848/983	3	1		765	0	16
	1005	0	18		1010	1	3
	935	0	2		1234	0	11
	1873/412	0	7		910	1	0
	861	1	4		1019	1	4
	867	0	5		1178	2	4
	869	0	1		414	0	18
	1183	1	7		366	0	13
	873	0	3		1893/859	0	10
	874	0	1		1870/860	0	2

1	2	3	4	1	2	3	4
	2059/1894/859	0	5		1020	0	0
	2022/294	2	8		1083/777	0	1
	2027 295	2	11		382	1	6
	1002	2	10		140	0	0
	1895/859	0	4				
	2060/1894/859	0	1	योग	किता	304	322 7
	782	0	10				
	845	2	11		खड़ा नन्धर-चुण्डार राज मार्ग		
	413	0	9		नं० एम 0ई०-11-आर-54/2-14607-10. जिनमा-3, 1-11-1980		
	786	0	5				
	435	0	4	श्रीन	1191	0	0
	437	0	5				
	858	0	1				
	1185	4	0		जिनमा-171003, 1 नवम्बर, 1980		
	1179	2	2		नं० एम 0ई०-11-आर-54/2/80-14647-50.---नन्दि हिमाचल		
	1180	1	15		प्रदेश के राज्यपाल को यह प्रतीत होता है कि जनता के व्यय पर		
	787	0	7		हिमाचल प्रदेश सरकार द्वारा मार्गदर्शित उद्देश्य के लिए भूमि को		
	1192	0	2		जानी अंशित है एतद्वारा यह अधिभूत किया जाता है कि		
	999	2	8		निम्नलिखित स्थान में भूमि को उपयुक्त प्रयोजन के लिए अंशित		
	854	1	11		किया जाता सम्बन्धित है। यह अधिभूत भू-अर्जन अधिनियम, 1894		
	1194	1	5		की धारा 4 के उपबन्धों के अन्तर्गत उन मभी का को गई है		
	880	0	7		जिनमें यह सम्बन्धित है।		
	881	0	2				
	978	1	14		उपरोक्त धारा द्वारा प्रदत्त शक्ति में का प्रयोग करने हुए हिमाचल प्रदेश		
	979	9	16		के राज्यपाल इस व्यवसाय में संलग्न अधिकारियों को अपने नौकरों		
	980	0	13		तथा कारीगरों सहित इनाका में किसी भूमि में कार्यवाही आरम्भ		
	1235	0	2		करने तथा अन्य मभी कार्य जो इन धारा द्वारा अंशित अथवा		
	1236	3	12		अनुमत है को करने हेतु प्रदेश के लिए प्रचलित करने है।		
	1237	0	8				
	2139/397	2	0		कोई भी हिनन्द व्यक्ति जिसे इनके में उक्त भूमि अर्जन में कोई		
	1831/289	1	0		आपत्ति हो तो वह इस अधिभूत के प्रकाशन के तौम दिन के भीतर		
	1832/289	3	6		कुलैक्टर के समक्ष लिखित आपत्ति दायर कर सकता है।		
	442	0	7				
	443	0	1	जिला: शिमला		तहसील: रोहड़ू	
	918	1	9				
	2152/1233	1	14				
	2151/1288	0	10	ग्राम	खमरा नं०	अन	बीधा विम्बा
	5156/1233	1	13	1	2	3	4
	2155/1188	0	10				
	1171	1	16	देवीघार	6231129	2	6
	1695/1690/925	0	13		6311372	4	12
	1996/1690/925	0	12		6991304	0	5
	2159/279	2	4		6221129	1	2
	2160/279	2	2		6301372	1	15
	441 मिन	0	3		371	1	15
	441 मिन	0	8		7621296	2	5
	2021/284	4	2		6471121	1	0
	2028/295	1	10		6351470128	0	4
	427	0	6		4811120	0	7
	840	0	7		5071158	3	15
	1004	1	17		65314691296	0	8
	272	0	0		4711296	0	8
	293	0	0		7001304	0	5
	909	0	0		6371470128	0	10
	776	0	0		65514691296	1	12
	844	0	0		6361470128	0	8
	845	0	0		65414691296	0	10
	906	0	0		117	0	5
	987	0	9		305	0	19
	883	0	0		5681158	1	9
	444	0	0		5701296	2	9
	462	0	0		6961356 मिन	1	10
	290	0	0		6981356 मिन	1	2
	777	0	6		6961356 मिन	0	10
	986	0	0		6981356 मिन	0	16
	1001	0	0		6971356	2	0

1	2	3	4	1	2	3	4
	357	1	12		102	0	8
	358	2	4		104	0	8
	745/359	2	0		307	0	7
	742/359	1	5		366	3	10
	743/359	0	19		136	0	0
	744/359	1	7		28/1	0	0
	437/116	0	10		28	0	0
	99	0	2		29	0	0
	118	0	6		83	0	0
	119	0	6		158	0	0
	161	1	2		106	0	0
	98	0	3	किते	56	52	14
	101	0	8				
	436/116	0	11				
	308	0	5				
	110	0	3				
	114	0	12				
	113	0	13				

बनवारी लाल शर्मा,
अधिक्षण अभियन्ता,
द्वितीय वृत्त शिमला-3.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

मान्य प्रज्ञान विभाग “ख” शाखा

अधिसूचनाएं

शिमला-171002, 17 मार्च, 1980

संख्या 8-10/78-जी0ए0बी0—भारतीय संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों तथा इस सम्बन्ध में अन्य सभी शक्तियों का प्रयोग करने हुए राज्यपाल, हिमाचल प्रदेश “बी हिमाचल प्रदेश मोन्टे-नियरिंग एण्ड एलाईड स्पोर्ट्स क्लास 4 सर्विस (रिक्लूटमेंट, प्रमोशन एण्ड सरजन कन्डिशन आफ सर्विस) रूल, 1973” जो समसंख्यक अधिसूचना दिनांक 10-9-1973 द्वारा प्रकाशित हुए थे संशोधन के लिए निम्न-लिखित नियम संहत बनाते हैं।

1. *Short title and commencement.*—(1) These rules may be called “Himachal Pradesh Mountaineering and Allied Sports Class IV Service Recruitment, Promotions and Certain Conditions of Service, (Second Amendment) Rules, 1979.

(2) These shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. *Amendment of Rules-5.*—For the existing Rules-5 of the H.P. Mountaineering and Allied Sports Class IV Services (Recruitment, Promotion and Certain Conditions of Service) Rules, 1973 hereinafter called “the said Rules” the following rule 5 shall be substituted, namely:—

5. (1) A candidate for appointment to any Service or post must be—

- a citizen of India, or
- a citizen of Nepal, or
- a subject to Bhutan, or
- a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India, or
- a person of Indian origin who has migrated from Pakistan, Burma, Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania formerly Tanganyika and Zanzibar, Zambzia, Malawi Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b) (c), (d), and (e) shall be a person in whose favour a certificate of eligibility has been issued by the State Government/Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer

of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of Himachal Pradesh/Government of India.

(2) Unless he is already in Government service must produce—

- a certificate of good moral character from Head of the recognised school last attended;
- certificate of good moral character from the two responsible persons, not being his relative who are well acquainted with him in private life and unconnected with his school or other educational institution;
- a medical certificate as required under the rules;
- a declaration to the effect that he has not more than one living wife or in the case of female that she has not married a man having a living wife.

NOTE

- No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;
- No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Government may, if satisfied, that there are special grounds for doing so, exempt any person from the operation of rule in clause (d) above, subject to observance of the Government instructions in this behalf.

(3) He must not be less than 18 years and not more than 27 years of age on the date of his appointment:

Provided that minimum and maximum age limits as prescribed may be relaxed by the Himachal Pradesh Government in pursuance to the administrative instructions issued by the Government from time to time:

Provided further that the maximum age limit may be relaxed in the case of Scheduled castes/tribes candidate displaced persons and other special categories in accordance with the orders issued by the Government from time to time.

3. *Amendment to Rule 6.*—For the existing clause (ii) of Rule 6 of the said rules of following clause (ii) shall be substituted namely:—

- Mali.*—He should have the knowledge of Gardening.

4. *Amendment to rule 8.*—For the existing Rule 8 of the said rules the following rule 8 along with it shall be substituted, namely:—

8. *Departmental recruitment committee.*—The Departmental Recruitment Committee in respect of service shall be as constituted by the Government from time to time.

5. *Amendment to Rule 10.*—For the existing sub-rule (ii) of Rule 10 of the said rules the following sub-rule (ii) shall be substituted namely:—

“(ii) the nature of penalties which may be imposed, the authority empowered to impose such penalties and appellate authority shall be as specified by the Government from time to time.”

Annotated reply to the various observations made by the Subordinate Legislation Committee on the Recruitment and Promotion Rules of Himachal Pradesh Mountaineering and Allied Sports Class-IV Services Rules, 1973 in their meeting held on 21-9-1978

Observations of the Committee

Part (b) of sub-rule (1) may be deleted and the subsequent parts may be re-numbered as under:—

- (a) a citizen of India, or
- (b) a subject of Nepal, or
- (c) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India.

In the previous categories (c) and (d) be replaced by categories (b) and (c).

Under sub-rule (2) a new part (a) may be added as under and the subsequent parts may be re-numbered accordingly:
“(a) a certificate of his/her being bonafide Himachali and should possess knowledge of the customs, manners and dialects of Himachal Pradesh.”

In part (d) of sub-rule (2) the word ‘female’ should correctly be spelt as ‘female’.

In note (a) the word ‘is’ between the words (any case) and (which) may be substituted by the word ‘in’.

Under sub-rule (3) in the first proviso the words ‘in pursuance of’ be replaced by the words ‘in pursuance to’.

Rule 6.—Part (ii) ‘Mali’ be re-written as under:—

(ii) ‘Mali’ he should have the knowledge of gardening and must be belonging to an agriculturist class.

Rule 8.—In view of the provisions of Rules 7 what will be the functions of the departmental Promotions Committee under Rule 8 when the pay scales of all these posts are the same.

Rule 10.—In sub-rules (ii) the word ‘may’ between the words (rule) and (under) be replaced by the word (, ade).

Comments

Necessary corrigendum has been issued separately.

In this connection necessary amendment to these rules has already been issued vide this Department notification No. 8-10/73-GAB, dated 30-9-1975 (copy enclosed). As regards the provision of a certificate of his/her being bonafide Himachali it may be mentioned that this being unconstitutional can not be made.

Necessary corrigendum has been issued separately.

जिमला-171002, 6 नवम्बर, 1980

संख्या 11-88/72-जी० ए० ए०.—इम सरकार की अधिसूचना समसंख्या दिनांक 24-5-1980 का अधिकरण करने हुए तथा भारतीय संविधान के अनुच्छेद 309 के परन्तुक में प्रदत्त तथा इम सम्बन्ध में अन्य सभी शक्तियों का प्रयोग करते हुए, राज्यमान, हिमाचल प्रदेश, लोक सेवा आयोग के परामर्श से हिमाचल प्रदेश के राज्य सैनिक बोर्ड के कार्यालय में अधिक्षक (श्रेणी-III) (अराजपवित्त) के पद के लिये भर्ती तथा पदोन्नति नियम परिशिष्ट ‘क’ के अनुसार सहर्ष बनाने हैं।

2. यह नियम तुरन्त प्रवृत्त होंगे।

परिशिष्ट ‘क’

हिमाचल प्रदेश सरकार के राज्य सैनिक बोर्ड के विभाग में अधिक्षक (श्रेणी-III) (अराजपवित्त) पद के भर्ती तथा पदोन्नति नियम

1. पद का नाम अधिक्षक (श्रेणी-III)
2. पदों की संख्या एक
3. वर्गीकरण श्रेणी-III (अराजपवित्त)।
4. वेतनमान रुपये 750-25-850-30/1000-40-1200/50-1300।
5. क्या प्रवरण पद है या आप्रवरण पद अप्रवरण पद
6. सीधी भर्ती के लिये आयु अप्रयोजन
7. सीधी भर्ती के लिये अपेक्षित न्यूनतम अप्रयोज्य शैक्षणिक और अन्य योग्यताएं।
8. क्या सीधी भर्ती के लिये निर्धारित अप्रयोज्य आयु और शैक्षणिक योग्यताएं पदोन्नत व्यक्तियों की स्थिति में भी प्रयोज्य होगी।
9. परीक्षा अवधि, यदि कोई हो बां वष और से विस्तार के अध्याधीन जो एक वर्ष में अधिक न हो जैसा कि सशम प्राधिकारी विशेष परिस्थितियों में कारणों के लिखित रूप में अंकित करके प्रदेश देने हों।
10. भर्ती का ढंग क्या, सीधी भर्ती द्वारा पदोन्नति द्वारा जत अथवा पदोन्नति, प्रतिनियुक्ति या प्रतिशत।
11. पदोन्नति, प्रतिनियुक्ति या स्थानान्तरण पदोन्नति द्वारा.—प्रभारी द्वारा भर्ती किये जाने की आस्था में सहायक से जिसका वह श्रेणी जिस में से पदोन्नति, प्रतिनियुक्ति या स्थानान्तरण किया जाना है। रुपये 570-1080 रूप्ये हो, साथ दो वर्ष की नियमित या तदर्थ सेवा अवधि हो या दोनों ही या संयुक्त रूप में 5 वर्ष की नियमित या तदर्थ सेवा अवधि या दोनों वाला प्रभारी सहायक तथा 570-1080 रूप्य वेतनमान वाला सहायक या अग्र-लिपिक।

Simla-171002, 6th November, 1980

12. यदि विभागीय पदोन्नति समिति विद्यमान है तो इस का संगठन कैसा है। जैसा सरकार समय-समय पर गठित करे।
13. परिस्थितियों जिन में भर्ती के लिए जैसा विधि अन्तर्गत हिमाचल प्रदेश लोक सेवा आयोग अपेक्षित है। का परामर्श लेना आवश्यक है।

पाद टिप्पणियाँ :—

1. किसी सेवा या पद के लिये उम्मीदवार ऐसा होना चाहिए जो—

- (क) भारतीय नागरिक, या
- (ख) नेपाल की प्रजा, या
- (ग) भूटान की प्रजा, या
- (घ) तिब्बती शरणार्थी जो कि एक जनवरी, 1962 से पहले भारत में स्थाई रूप से रहने की इच्छा से आया हो, या
- (ङ) भारतीय मूल का व्यक्ति जो पाकिस्थान, बर्मा, श्री लंका, कोनिया, उगान्डा, संयुक्त गण-राज्य, तैजानिया, (जो पहले तंगानिया का और जन्जीवार था), जंबिया मालवी, जयर तथा इथोपिया के पूर्वी अफ्रीकी देशों से भारत में स्थाई रूप में बसने की इच्छा से आया हो। परन्तु यह कि वर्ग (ख), (ग), (घ) और (ङ) से सम्बन्धित वही उम्मीदवार होगा जिस के हित में भारत सरकार या राज्य सरकार द्वारा पात्रता प्रमाण-पत्र जारी किया गया हो।

जिस उम्मीदवार के हित में पात्रता प्रमाण-पत्र आवश्यक है उसे हिमाचल प्रदेश लोक सेवा आयोग या किसी अन्य नियुक्ति अधिकारी द्वारा किसी परीक्षा या साक्षात्कार में प्रवेश की अनुमति दी जा सकती है, परन्तु नियुक्ति प्रस्ताव भारत सरकार या हिमाचल प्रदेश सरकार द्वारा उसके हित में आवश्यक पात्रता प्रमाण-पत्र दिए जाने के उपरान्त ही दिया जा सकता है।

2. जब कभी खाना-2 के अधीन पदों की संख्या में वृद्धि अथवा कमी करनी हो तो हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से खाना संख्या 10 और 11 के उपबन्ध सरकार द्वारा संशोधित किये जायें।
3. जब सरकार की यह राय हो कि यह करना आवश्यक अथवा उचित है तो वह आदेश द्वारा इसके कारणों को लिखित रूप में अंकित करे, तथा हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, किसी श्रेणी या व्यक्तियों के वर्ग या पद के सम्बन्ध में इन नियमों के किसी भी उपबन्ध में छूट दे सकती है।
4. ऐसी सभी प्रकरण में जब कि कोई कनिष्ठ केडर पद पर अपनी कुल सेवा अवधि (तदर्थ सेवा सहित) के आधार पर (पदोन्नति आदि) विचार पात्र होता है तो सम्बन्ध वर्ग में उस में वरिष्ठ सभी व्यक्ति ऐसे विचार के लिए पात्र माने जायेंगे और कनिष्ठ व्यक्तियों से ऊपर रखे जायेंगे परन्तु ऐसे सब व्यक्तियों को जो पदोन्नति/स्थाईकरण के नियम विचाराधीन हों, उन की कम से कम तीन वर्ष की न्यूनतम अन्तर्कारी सेवा होनी चाहिए अथवा वह अहता जो कि ऐसे पद/सेवा के भर्ती तथा पदोन्नति नियमों में निर्धारित हो, दोनों में से जो भी कम हो।

परन्तु और यह कि जब कोई व्यक्ति पूर्ववर्ती परन्तुक में निर्धारित आवश्यकताओं के कारण पदोन्नति या स्थाईकरण हेतु विचार करने के लिए आयाय्य होता हो तो ऐसे व्यक्ति जो उस से कनिष्ठ हों को भी ऐसी पदोन्नति या स्थाईकरण के लिय आयाय्य समझा जायेगा।

5. इस सेवा में नियुक्ति समय-समय पर प्रेषित हिमाचल प्रदेश सरकार के गेटा में अनुसूचित जातियों या अनुसूचित जन-जातियों या पिछड़े वर्गों से सम्बन्धित सेवा में आरक्षण के आदेशों के अध्याधीन होगी।

No. 11-88/72-GA-A.—In supersession of this Government notification of even number, dated the 25th April, 1980 and in exercise of the powers vested in him under the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules, as in Annexure-I, for the post of Superintendent (G. III non-gazetted) in the Department of Rajya Sainik Board, Himachal Pradesh.

2. These rules shall come into force with immediate effect.

ANNEXURE I

Recruitment and Promotion Rules for the post of Superintendent Grade-III (Class III non-Gazetted) in the Department of Rajya Sainik Board, Himachal Pradesh Government

- | | |
|--|---|
| 1. Name of Post | Superintendent grade III. |
| 2. Number of posts | One |
| 3. Classification | Class III (non-gazetted). |
| 4. Scale of pay | Rs. 750-25-850-30-1000/40-1200/50-1300. |
| 5. Whether selection post | Non-selection |
| 6. Age for direct recruits | Not applicable |
| 7. Minimum educational and other qualifications required for direct recruits. | Not applicable. |
| 8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Not applicable. |
| 9. Period of probation, if any | Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and for reasons to be reduced to writing. |
| 10. Method of recruitment, whether by direct recruitment or by promotion, deputation/transfer and the percentage of vacancies to be filled by various methods. | By promotion 100% |
| 11. In case of recruitment by promotion, deputation/transfer, grades from which promotion, deputation/transfer to be made. | By promotion: from Assistant Incharge in the scale of Rs. 570—1080 with two years regular or <i>ad hoc</i> service or both as such or five years regular or <i>ad hoc</i> service or both as Assistant Incharge and Assistant Stenographer in the scale of Rs. 570—1080 combined. |
| 12. If a D.P.C. exists, what is its composition. | As may be constituted by the Government from time to time. |
| 13. Circumstances under which | As required under the the H. P. Public Service Commission is to be consulted in making recruitment the law. |

FOOT NOTES

संक्षिप्त नाम तथा प्रारम्भ:—

1. A candidate for appointment to any service or post must be—

- a citizen of India, or
- a subject of Nepal, or
- a subject of Bhutan, or
- a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b) (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India/State Government.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India/Government of Himachal Pradesh.

2. Provisions of columns 10 and 11 are to be revised by the Government in consultation with the H.P. Public Service Commission as and when the number of posts under column 2 are increased or decreased.

3. Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing and in consultation with the H.P. Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons or post.

4. In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior persons in the field of consideration.

Provided that all incumbents to be considered for promotion confirmation shall possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment and promotion rules for the post whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation, on account of the requirement prescribed in the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

5. The appointments to this service shall be subject to orders regarding reservation in the services for Scheduled Castes/Scheduled Tribes/Backward Classes issued by the Himachal Pradesh Government from time to time.

O. P. YADAV,
Secretary.

ग्रामीण एकीकरण विकास विभाग
अधिसूचना
शिमला-2, 1 जनवरी, 1981

सं० आर०आई०डी०-1-ए(3)-2/79.—भारतीय संविधान के अनुच्छेद 309 के परन्तुक में प्रदत्त शक्तियों तथा इस सम्बन्ध में अन्य सभी शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से ग्रामीण एकीकरण विकास विभाग में अधीक्षक ग्रेड-III, तृतीय श्रेणी (अराजपत्रित) के पद के लिए भर्ती एवं पदोन्नति नियम इस अधिसूचना में संलग्न परिशिष्ट-1 के अनुसार सहर्ष वनाम के आदेश देते हैं:—

- ये नियम हिमाचल प्रदेश ग्रामीण एकीकरण विकास विभाग तृतीय श्रेणी (अराजपत्रित) सेवा भर्ती, पदोन्नति तथा अन्य सेवा शर्तों नियम, 1980 कहलायेंगे।
- ये नियम तुरन्त प्रवृत्त होंगे।

परिशिष्ट 1

हिमाचल प्रदेश सरकार के ग्रामीण एकीकरण विकास विभाग में अधीक्षक ग्रेड-3, तृतीय श्रेणी (अराजपत्रित) पद के भर्ती तथा पदोन्नति नियम

1. पद का नाम	अधीक्षक ग्रेड-3
2. पद की संख्या	एक
3. पदों का वर्गीकरण	श्रेणी तीन (अराजपत्रित)
4. वेतनमान	750-25-850/30-1000/40-1200/50-1300 रुपये।

5. क्या प्रवर्णन पद है या अप्रवर्णन	अप्रवर्णन पद
6. सीधी भर्ती के लिए आयु सीमा	लागू नहीं
7. सीधी भर्ती के लिए अपेक्षित न्यूनतम शैक्षणिक और अन्य ग्रहण्य	लागू नहीं
8. क्या सीधी भर्ती के लिए निर्धारित आयु सीमा और शैक्षणिक ग्रहण्य पदोन्नत व्यक्तियों की स्थिति में भी प्रयोज्य होगी।	लागू नहीं

9. परीक्षा अवधि यदि कोई हो दो वर्ष तथा ऐसी अवधि जो कि एक वर्ष से अधिक न हो, के लिए आगामी विस्तार के अध्याधीन जैसी कि विशेष परिस्थितियों में सक्षम प्राधिकारी द्वारा लिखित रूप में कारण रिकार्ड कर आविष्ट किया जाए।

10. भर्ती का ढंग सीधी भर्ती द्वारा अथवा पदोन्नति, प्रतिनियुक्ति स्थानान्तरण तथा विभिन्न ढंगों द्वारा रिक्त स्थानों को भरणे की प्रतिशतता। 100 प्रतिशत पदोन्नति द्वारा

11. पदोन्नति, प्रतिनियुक्ति/स्थानान्तरण द्वारा भर्ती किए जाने की अवस्था में वह वेतनक्रम जिनमें से पदोन्नति, प्रतिनियुक्ति/स्थानान्तरण किया जाना है। पदोन्नति द्वारा: सहायकों (570-1080) तथा वरिष्ठ आशु-लिपिकों (570-1080) में से पदोन्नति द्वारा जिनका इन पदों में कम से कम 6 वर्ष का स्थाई या अस्थायी या दोनों पदों पर मिला कर सेवाकाल है।

(पदोन्नति के लिए सहायकों तथा वरिष्ठ आशुलिपिकों की एक सम्मिलित वरिष्ठता सूची भी तैयार की जायेगी जो कि उक्त पदों पर नियुक्ति की अवधि के आधार पर होगी और ऐसा करते हुए प्रत्येक वर्ग की वरिष्ठता बनी रहेगी।

12. यदि विभागीय पदोन्नति समिति विचमान है तो इसकी संरचना। तृतीय श्रेणी विभागीय पदोन्नति

13. परिस्थितियाँ जिनमें भर्ती के जैसा कि विधि अधीन अपेक्षित है।
 लिए हिमाचल प्रदेश लोक सेवा आयोग का परामर्श लेना आवश्यक है।

पाद टिप्पणियाँ (1).—उपर्युक्त सेवा या पद के लिये यह जरूरी है कि उम्मीदवार निम्नलिखित हो:—

- (क) भारतीय नागरिक. या
 (ख) नेपाल की प्रजा, या
 (ग) भूटान की प्रजा, या
 (घ) निम्नलिखित विस्थापित जो कि एक जनवरी, 1962 से पहले भारत में स्थाई रूप से रहने के उद्देश्य से आया हों, या
 (ङ) भारतीय मूल का व्यक्ति जो पाकिस्तान, बर्मा, श्रीलंका पूर्वी अफ्रीका, कीनिया, युगांडा, संयुक्त गणतन्त्र, तंजानिया इसमें पूर्व नागानीका, और जंजीबार, जाम्बिया, मालवी, जैरर तथा इथोपिया से भारत में स्थाई रूप से रहने के उद्देश्य से आया हो।

उपबन्धित है कि वर्ग (ख), (ग), (घ) और (ङ) से सम्बन्धित वही प्रत्याक्षी माना जायेगा जिसको भारत सरकार/राज्य सरकार ने पावता का प्रमाण-पत्र जारी किया हो।

प्रत्याक्षी जिसके बारे में पावता का प्रमाण-पत्र अनिवार्य हो, को भी हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण द्वारा आयोजित साक्षात्कार या किसी परीक्षा में बैठने की आज्ञा दी जा सकती है, परन्तु उसे नियुक्ति का प्रस्ताव तभी दिया जाए जब कि उसे पावता का आवश्यक प्रमाण-पत्र भारत सरकार/हिमाचल प्रदेश सरकार द्वारा जारी किया गया हो।

(2) सीधी भर्ती के लिए उच्चतम आयु सीमा उन उम्मीदवारों पर लागू नहीं होगी जो पहले ही सरकारी सेवा में हो।

(3) अनुसूचित जातियों/अनुसूचित जन जातियों के उम्मीदवारों तथा अन्य वर्गों के व्यक्तियों के लिए उच्चतम आयु सीमा में इतनी छूट देय है जितनी हिमाचल प्रदेश सरकार के सामान्य अथवा विशेष अनुदेशों के अन्तर्गत अनुमत है।

(4) सीधी भर्ती के लिए आयु सीमा आयोग द्वारा आवेदन-पत्र प्राप्त करने के लिए निश्चित की गई अन्तिम तिथि में गिनी जायेगी।

(5) सीधी भर्ती की स्थिति में अन्यथा विनिष्ट योग्यता प्राप्त उम्मीदवारों के लिए आयु तथा अनुभव से सम्बन्धित योग्यताओं में आयोग के विवेकानुसार छूट देय होगी।

(6) जब कभी खाना 2 के अधीन पदों की संख्या में वृद्धि अथवा कमी की गई हो तो हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से खाना सं 0 10 और 11 के उपबन्ध सरकार द्वारा संशोधित किये जायेंगे।

(7) जबकि सरकार की यह राय हो कि यह करना आवश्यक अथवा उचित है तो वह लिखित रूप में इसके कारण रिकार्ड करके तथा हिमाचल प्रदेश लोक सेवा आयोग ने परामर्श लेकर व्यक्तियों अथवा पद की किसी भी श्रेणी अथवा वर्ग के सम्बन्ध में इन नियमों के किसी भी उपलब्ध में छूट देने का आदेश कर सकती है।

(8) सीधी भर्ती की स्थिति में नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर या यदि आयोग ऐसा आवश्यक अथवा उचित समझे जो लिखित परीक्षा द्वारा, जिसका स्तर, पाठ्यक्रम इत्यादि आयोग द्वारा निर्धारित होगा अथवा व्यवहारिक परीक्षा द्वारा किया जायेगा।

(9) ऐसे सभी प्रकरणों में जबकि कोई कनिष्ठ व्यक्ति फीडर पद पर अपनी कुल सेवा अवधि (तदर्थ सेवा सहित) के आधारा पर (पदोन्नति आदि) विचार पात्र होता है तो सम्बद्ध वर्ग में उससे वरिष्ठ सभी व्यक्ति ऐसे विचार के लिए पात्र मान जायेंगे। और कनिष्ठ व्यक्तियों से ऊपर रखे जायेंगे।

उपबन्धित है कि ऐसे सभी व्यक्तियों, जो पदोन्नति/स्थाईकरण के लिए विचाराधीन हो, उनकी कम से कम तीन वर्ष की न्यूनतम अहंकारी सेवा होनी चाहिए अथवा वह अहंकारी जो कि ऐसे पद/सेवा के भर्ती तथा पदोन्नति नियमों में निर्धारित हो, दोनों में से जो भी कम हो।

आगे उपबन्धित है कि जब कोई व्यक्ति पूर्ववर्ती परन्तु में निर्धारित के कारण पदोन्नति/स्थाईकरण हेतु विचार करने के लिए अयोग्य होता हो तो ऐसे व्यक्ति जो उससे कनिष्ठ हो, को भी ऐसी पदोन्नति/स्थाईकरण के लिए अयोग्य समझा जायेगा।

(10) शासकीय क्षेत्र के निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों जो इन शासकीय क्षेत्र के निगमों तथा स्वायत्त निकायों के प्रारम्भिक गणन के समय इनमें से पहले अन्तर्लघन सरकारी कर्मचारी थे, को भी सरकारी कर्मचारियों की भाँति सीधी भर्ती में आयु सीमा में छूट होगी। इस प्रकार की छूट शासकीय क्षेत्र के निगमों तथा स्वायत्त निकायों के उन कर्मचारियों को उपलब्ध नहीं होगी जो उक्त निगमों/स्वायत्त निकायों द्वारा बाद में भर्ती किये गये हों और इन शासकीय क्षेत्र में निगमों/स्वायत्त निकायों के प्रारम्भिक गठन के बाद अन्तिम रूप में उन निगमों/स्वायत्त निकायों में अन्तर्लघन हो गये हों।

(11) उक्त सेवा में नियुक्ति अनुसूचित जातियों, अनुसूचित जनजातियों, पिछड़े वर्ग, अत्योद्य के अन्तर्गत चयनित परिवारों इत्यादि के लिए सेवाओं में हिमाचल प्रदेश सरकार द्वारा समय-समय पर जारी किये गये आदेशों के अधीन होगा।

बी० सी० नेगी,
 सचिव।

कल्याण विभाग

अधिसूचना

शिमला-2, 21 नवम्बर, 1980

संख्या कल्याण-(3)-4/79.—हिमाचल प्रदेश राज्यपाल, हिमाचल प्रदेश विधवा पेंशन नियमावली, 1979, जो कल्याण विभाग की अधिसूचना क्रमांक सम संख्या दिनांक 26 फरवरी, 1980 द्वारा जारी की गई, में संशोधनार्थ निम्न नियम बनाते हैं:—

हिमाचल प्रदेश विधवा पेंशन (प्रथम संशोधन) नियम, 1980

संक्षिप्त नाम तथा प्रारम्भ:—(1) यह नियम हिमाचल प्रदेश विधवा पेंशन (प्रथम संशोधन), 1980 कहलाए जायेंगे।

(2) यह नियम पहली अक्टूबर, 1980 से लागू होंगे।

नियम 8 का परिशोधन.—नियम 8, हिमाचल प्रदेश विधवा पेंशन नियमावली, 1979 में शब्द "जिलाधीश" के स्थान पर शब्द "तब डिविजनल मैजिस्ट्रेट रखा जाए।

अमर नाथ विद्यार्थी
 सचिव।

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

LOCAL SELF GOVERNMENT DEPARTMENT
 NOTIFICATION

Sinla-171002, the 10th November, 1980

No. LSG.A(6)/1/80.—The Governor, Himachal Pradesh is pleased to extend the term of the Committee constituted vide this Department Notification of even number, dated 14th April, 1980 upto 31st December, 1980.

By order,
 SHAMSHER SINGH,
 Secretary.

पंचायती राज विभाग

आदेश

शिमला-2, 1 जनवरी, 1981

सं 0 पी 0 सी 0 एच 0 एच 0 ए 0 (5)-119/78.—इस कार्यालय के समसंख्यक आदेश दिनांक 8 मई, 1980 को रद्द किया जाता है।

हस्ताक्षरित,
 सचिव।

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

ग्रन्थ

भाग 6—भारतीय राजपल इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT
NOTIFICATION

Simla-171002, the 23rd August, 1980

No. LLR-E (9) 10/79.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India Extraordinary Part-II, Section I, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

Sl. No.	Title	Date of assent	Date of the Gazette of India (Extraordinary) Part-II, Section I in which the Acts were published
1.	The Delhi High Court (Amendment) Act, 1980 (Act No. 37 of 1980).	2-7-1980	3-7-1980
2.	The Assam State Legislative (Delegation of powers) Act, 1980 (Act No. 38 of 1980).	11-7-80	11-7-1980
3.	The Appropriation (Railways) No. 3, Act, 1980 (Act No. 39 of 1980).	11-7-80	11-7-1980
4.	The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Act No. 40 of 1980).	11-7-80	11-7-1980
5.	The Essential Services Maintenance (Assam) Act, 1980. (Act No. 41 of 1980)	19-7-80	19-7-1980
6.	The National Company Limited (Acquisition and Transfer of Undertakings) Act, 1980.	19-7-80	19-7-1980

G. S. CHAUHAN,
Under Secretary.

Assented to on 2nd July, 1980.

THE DELHI HIGH COURT (AMENDMENT)
ACT, 1980

(Act No. 37 of 1980)

AN
ACT

Further to amend the Delhi High Court Act, 1966

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Delhi High Court (Amendment) Act, 1980.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 5.*—In sub-section (2) of section 5 of the Delhi High Court Act, 1966, (26 of 1966), for the words “fifty thousand rupees”, the words “rupees one lakh” shall be substituted.

3. *Amendment of Punjab Act VI of 1918, as in force in the Union territory of Delhi.*—In section 25 of the Punjab Courts Act, 1918, as in force in the Union territory of Delhi, for the words “fifty thousand rupees”, the words “rupees one lakh” shall be substituted.

4. *Power of Chief Justice to transfer pending suits and proceedings to sub-ordinate courts.*—The Chief Justice of the High Court of Delhi may transfer any suit or other proceedings which is or are pending in the High Court immediately before the commencement of this Act and in which no witnesses have been examined before such commencement to such subordinate court in the Union territory of Delhi as would have jurisdiction to entertain such suit or proceedings had such suit or proceedings been instituted or filed for the first time after such commencement.

Assented to on 11-7-1980.

THE ASSAM STATE LEGISLATURE
(DELEGATION OF POWERS) ACT, 1980

(Act No. 38 of 1980)

AN
ACT

to confer on the President the power of the Legislature of the State of Assam to make laws.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Assam State Legislature (Delegation of Powers) Act, 1980—

2. *Definition.*—In this Act, “Proclamation” means the Proclamation issued on the 12th day of December, 1979, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 688 (E) of the said date.

3. *Conferment on the President of the Power of the State Legislature to make laws.*—(1) The power of the Legislature of the State of Assam to make laws, which has been declared by the proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of thirty members of the House of the People nominated by the Speaker and fifteen members of the council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any Action taken thereunder before it is so amended.

Assented to on 11-7-1980.

THE APPROPRIATION (RAILWAYS) NO. 3 ACT,
1980

(ACT NO. 39 OF 1980)

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1980-81 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Appropriation (Railways) No. 3 Act, 1980.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	3,05,66,000	..	3,05,66,000
2	Miscellaneous Expenditure (General)	17,20,47,000	3,00,000	17,23,47,000
3	General Superintendence and Services	135,80,17,000	3,55,000	135,83,72,000
4	Repairs and Maintenance of Permanent Way and Works	233,04,50,000	4,53,000	233,09,03,000
5	Repairs and Maintenance of Motive Power	208,65,97,000	1,60,000	208,67,57,000
6	Repairs and Maintenance of Carriages and Wagons	257,21,30,000	2,01,000	257,23,31,000
7	Repairs and Maintenance of Plant and Equipment	124,73,89,000	1,45,000	124,75,34,000
8	Operating Expenses Rolling Stock and Equipment	265,93,57,000	5,20,000	265,98,77,000
9	Operating Expenses - Traffic	275,80,28,000	28,67,000	276,08,95,000
10	Operating Expenses - Fuel	464,87,21,000	1,10,000	464,88,31,000
11	Staff Welfare and Amenities	91,85,96,000	1,22,000	91,87,18,000
12	Miscellaneous Working Expenses	127,37,07,000	3,28,85,000	130,65,92,000
13	Provident Fund, Pension and Other Retirement Benefits	105,20,76,000	1,00,000	105,21,76,000
14	Appropriation to Funds	351,58,33,000	..	351,58,33,000
15	Dividend to General Revenues, Repayment of loan taken from General Revenues and Amortisation of Over-capitalization	340,27,93,000	..	340,27,93,000
16	Assets Acquisition, Construction and Replacement, Revenue	11,99,70,000	50,000	12,00,20,000
	Other Expenditure	1815,72,54,000	54,50,000	1816,27,04,000
	TOTAL	4830,35,31,000	4,37,18,000	4834,72,49,000

Assented to on 11-7-1980

CHAPTER I
PRELIMINARYTHE BANKING COMPANIES ACQUISITION
AND TRANSFER OF UNDERTAKINGS ACT,
1980

(ACT NO. 40 OF 1980)

AN

ACT

to provide for the acquisition and transfer of the undertakings of certain banking companies, having regard to their size, resources, coverage and organisation, in order further to control the heights of the economy, to meet progressively, and serve better, the needs of the development of the economy and to promote the welfare of the people, in conformity with the policy of the State towards securing the principles laid down in clauses (b) and (c) of article 39 of the Constitution and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

2. *Issue of Rs. 4834,72,49,000 out of the Consolidated Fund of India for the financial year 1980-81.*—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate, [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 1980 (9 of 1980)] to the sum of four thousand eight hundred thirty-four crores, seventy-two lakhs and forty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1980-81, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

1. *Short title and commencement.*—(1) This Act may be called the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

(2) It shall be deemed to have come into force on the 15th day of April, 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- "banking company" does not include a foreign company within the meaning of section 591 of the Companies Act, 1956 (1 of 1956);
- "corresponding new bank", in relation to an existing bank, means the body corporate specified against such bank in column 2 of the First Schedule;
- "Custodian" means the person who becomes, or is appointed, a Custodian under section 7;
- "existing bank" means a banking company specified in column 1 of the First Schedule, being a company the total of the demand and time liabilities in India of which, as shown in the return as on the 14th day of March, 1980, furnished to the Reserve

Bank under section 42 of the Reserve Bank of India Act, 1934 amounts to not less than rupees two hundred crores;

- (e) words and expressions used herein and not defined but defined in the Banking Regulation Act, 1949 (10 of 1949), have the meanings respectively assigned to them in that Act.

CHAPTER II

TRANSFER OF THE UNDERTAKINGS OF EXISTING BANKS

3. *Establishment of corresponding new banks and Business thereof.*—(1) On the commencement of this Act, there shall be constituted such corresponding new banks as are specified in column 2 of the First Schedule.

(2) The paid-up capital of every corresponding new bank constituted under sub-section (1) shall, until any provision is made in this behalf in any scheme made under section 9, be equal to the paid-up capital of the existing bank in relation to which it is the corresponding new bank.

(3) The entire capital of each corresponding new bank shall stand vested in, and allotted to, the Central Government.

(4) Every corresponding new bank shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may sue and be sued in its name.

(5) Every corresponding new bank shall carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 (10 of 1949), and may engage in one or more forms of business specified in sub-section (1) of section 6 of that Act.

(6) Every corresponding new bank shall establish a reserve fund to which shall be transferred the share premiums and the balance, if any, standing to the credit of the reserve fund of the existing bank in relation to which it is the corresponding new bank, and such further sums, if any, as may be transferred in accordance with the provisions of section 17 of the Banking Regulation Act, 1949 (10 of 1949).

4. *Undertaking of existing banks to vest in corresponding new banks.*—On the commencement of this Act, the undertaking of every existing bank shall be transferred to, and shall vest in, the corresponding new bank.

5. *General effect of vesting.*—(1) The undertaking of each existing bank shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the existing bank in relation to the undertaking, whether within or without India, and all books of accounts, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the existing bank in relation to the undertaking.

(2) If, according to the laws of any country outside India, the provisions of this Act by themselves are not effective to transfer or vest any asset or liability situated in that country which forms part of the undertaking of an existing bank to, or in, the corresponding new bank, the affairs of the existing bank in relation to such asset or liability shall, on and from the commencement of this Act, stand entrusted to the chief executive officer for the time being of the corresponding new bank, and the chief executive officer may exercise all powers and do all such acts and things as may be exercised or done by the existing bank for the purpose of effectively transferring such assets and discharging such liabilities.

(3) The chief executive officer of the corresponding new bank shall, in exercise of the powers conferred on him by sub-section (2), take all such steps as may be required by the laws of any such country outside India for the purpose of effecting such transfer or vesting, and may either himself or through any person authorised by him in this behalf realise any asset and discharge any liability, of the existing bank.

(4) Unless otherwise expressly provided by this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the commencement of this Act and to which the existing bank is a party or which are in favour of the existing bank shall be of as full force and effect against or in favour of the corresponding new bank, and may be enforced or acted upon as fully and effectually as if in the place of the existing bank the corresponding new bank had been a party thereto or as if they had been issued in favour of the corresponding new bank.

(5) If immediately before the commencement of this Act, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertaking which has been transferred under section 4, is pending by or against the existing bank, the same shall not abate, be discontinued or be in any way, prejudicially affected by reason of the transfer of the undertaking of the existing bank or of anything contained in this Act but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the corresponding new bank.

(6) Nothing in this Act shall be construed as applying to the assets, rights, powers, authorities and privileges and property, movable and immovable, cash balances and investments in any country outside India (and other rights and interests in, or arising out of, such property) and borrowings, liabilities and obligations of whatever kind subsisting immediately before the commencement of this Act, of any existing bank operating in that country if, under the laws in force in that country, it is not permissible for a banking company, owned or controlled by Government, to carry on the business of banking there.

CHAPTER III

PAYMENT OF AMOUNT

6. *Payment of amount.*—(1) Every existing bank shall be given by the Central Government such amount in respect of the transfer, under section 4, to the corresponding new bank of the undertaking of the existing bank as is specified against each such bank in the Second Schedule.

(2) The amount referred to in sub-section (1) shall be given to every existing bank, at its option,—

(a) in cash (to be paid by cheque drawn on the Reserve Bank) in three equal annual instalments, the amount of each instalment carrying interest at the rate of five and a half per cent per annum from the commencement of this Act; or

(b) in saleable or otherwise transferable promissory notes or stock certificates of the Central Government issued and repayable at par, and maturing at the end of—

(i) ten years from the commencement of this Act and carrying interest from such commencement at the rate of six per cent per annum, or

(ii) thirty years from the commencement of this Act and carrying interest from such commencement at the rate of seven per cent per annum, or

(c) partly in cash (to be paid by cheque drawn on the Reserve Bank) and partly in such number of securities specified in sub-clause (i) or sub-clause (ii), or both, of clause (b), as may be required by the existing bank; or

(d) partly in such number of securities specified in sub-clause (i) of clause (b) and partly in such number of securities specified in sub-clause (ii) of that clause, as may be required by the existing bank.

(3) The first of the three equal annual instalments referred to in clause (a) of sub-section (2) shall be paid, and the securities referred to in clause (b) of that sub-section shall be issued, within sixty days from the date of receipt by the Central Government of the option referred to in that sub-section, or where no such option has been exercised, from the latest date before which such option ought to have been exercised.

(4) The option referred to in sub-section (2) shall be exercised by every existing bank before the expiry of a period of three months from the commencement of this Act (or within such further time, not exceeding three months, as the Central Government may, on the application of the existing bank, allow) and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised.

(5) Any existing bank which omits or fails to exercise the option referred to in sub-section (2), within the time specified in sub-section (4), shall be deemed to have opted for payment in securities specified in sub-clause (i) of clause (b) of sub-section (2).

(6) Notwithstanding anything contained in his section any existing bank may, before the expiry of three months from the commencement of this Act (or within such further time, not exceeding three months, as the Central Government may on the application of the existing bank, allow) make an application in writing to the Central Government for an interim payment of an amount equal to seventy-five per cent of the amount of the paid-up capital of such bank, immediately before such commencement, indicating therein whether the payment is desired in cash or in securities specified in sub-section (2), or in both.

(7) The Central Government shall, within sixty days from the receipt of the application referred to in sub-section (6), make the interim payment to the existing bank in accordance with the option indicated in such application.

(8) The interim payment made to an existing bank under sub-section (7) shall be set off against the total amount payable to such existing bank under this act and balance of the amount remaining outstanding after such payment shall be given to the existing bank in accordance with the option exercised, or deemed to have been exercised, under sub-section (4) or sub-section (5), as the case may be:

Provided that where any part of the interim payment is obtained by an existing bank in cash, the payment so obtained shall be set off, in the first instance, against the first instalment of the cash payment referred to in sub-section (2), and in case the payment so obtained exceeds the amount of the first instalment, the excess amount shall be adjusted against the second instalment and the balance of such excess amount, if any, against the third instalment of the cash payment.

CHAPTER IV

MANAGEMENT OF CORRESPONDING NEW BANKS

7. *Head office and management.*—(1) The head office of each corresponding new bank shall be at such place as the Central Government may, by notification in the Official Gazette, specify in this behalf, and, until any such place is so specified, shall be at such place at which the head office of the existing bank, in relation to which it is the corresponding new bank, is on the commencement of this Act, located.

(2) The general superintendence, direction and management of the affairs and business of a corresponding new bank shall vest in a Board of Directors which shall be entitled to exercise all such powers and do all such acts and things as the corresponding new bank is authorised to exercise and do.

(3) (a) As soon as may be after the commencement of this Act, the Central Government shall, in consulta-

tion with the Reserve Bank, constitute the first Board of Directors of a corresponding new bank, consisting of not more than seven persons, to be appointed by the Central Government, and every director so appointed shall hold office until the Board of Directors of such corresponding new bank is constituted in accordance with the scheme made under section 9:

Provided that the Central Government may, if it is of opinion that it is necessary in the interests of the corresponding new bank so to do, remove a person from the membership of the first Board of Directors and appoint any other person in his place.

(b) Every member of the first Board of Directors (not being an officer of the Central Government or of the Reserve Bank), shall receive such remuneration as is equal to the remuneration which a member of the Board of Directors of the existing bank was entitled to receive immediately before the commencement of this Act.

(4) Until the first Board of Directors is appointed by the Central Government under sub-section (3), the general superintendence, direction and management of the affairs and business of a corresponding new bank shall vest in a Custodian, who shall be the chief executive officer of that bank and may exercise all powers and do all acts and things as may be exercised or done by that bank.

(5) The Chairman of an existing bank holding office as such immediately before the commencement of this Act, shall be the Custodian of the corresponding new bank and shall receive the same emoluments as he was receiving immediately before such commencement:

Provided that the Central Government may, if the Chairman of an existing bank declines to become, or to continue to function as, a Custodian of the corresponding new bank, or, if it is of opinion that it is necessary in the interests of the corresponding new bank so to do, appoint any other person as the Custodian of a corresponding new bank and the Custodian so appointed shall receive such emoluments as the Central Government may specify in this behalf.

Explanation.—In this sub-section and in sub-section (1) of section 12, the expression "Chairman", in relation to any existing bank, includes the person carrying out the duties of the Chairman or otherwise functioning as the chief executive officer of that bank.

(6) The Custodian shall hold office during the pleasure of the Central Government.

8. *Corresponding new banks to be guided by the directions of the Central Government.* Every corresponding new bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Governor of the Reserve Bank, give.

9. *Power of Central Government to make scheme.*—(1) The Central Government may, after consultation with the Reserve Bank, make a scheme for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the said scheme may provide for all or any of the following matters, namely:—

(a) the capital structure of the corresponding new bank, so however that the paid-up capital of any such bank shall not be in excess of rupees fifteen crores;

(b) the constitution of the Board of Directors, by whatever name called, of the corresponding new bank and all such matters in connection therewith or incidental thereto as the Central Government may consider to be necessary or expedient;

(c) the reconstitution of any corresponding new bank into two or more corporations, the amalgamation of any corresponding new bank with an

other corresponding new bank or with another banking institution, the transfer of the whole or any part of the undertaking of a corresponding new bank to any other banking institution or the transfer of the whole or any part of the undertaking of any other banking institution to a corresponding new bank;

(d) such incidental, consequential and supplemental matters as may be necessary to carry out the provisions of this Act.

(3) Every Board of Directors of a corresponding new bank, constituted under any scheme made under sub-section (1), shall include—

(a) representatives of the employees, and of depositors, of such bank; and

(b) such other persons as may represent the interests of each of the following categories, namely, farmers, workers and artisans, to be elected or nominated in such manner as may be specified in the scheme.

(4) The Central Government may, after consultation with the Reserve Bank, make a scheme to amend or vary any scheme made under sub-section (1).

(5) Every scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

CHAPTER V MISCELLANEOUS

10. *Closure of accounts and disposal of profits.*—(1) Every corresponding new bank shall cause its books to be closed and balanced on the 31st day of December of each year and shall appoint with the previous approval of the Reserve Bank, auditors for the audit of its accounts.

(2) Every auditor of a corresponding new bank shall be a person who is qualified to act as an auditor of a company under section 226 of the Companies Act, 1956 (1 of 1956) and shall receive such remuneration as the Reserve Bank may fix in consultation with the Central Government.

(3) Every auditor shall be supplied with a copy of the annual balance-sheet and profit and loss account and a list of all books kept by the corresponding new bank, and it shall be the duty of the auditor to examine the balance-sheet and profit and loss account with the accounts and vouchers relating thereto, and in the performance of his duties, the auditor—

(a) shall have, at all reasonable times, access to the books, accounts and other documents of the corresponding new bank;

(b) may, at the expense of the corresponding new bank, employ accountants or other persons to assist him in investigating such accounts; and

(c) may, in relation to such accounts, examine the Custodian or any officer or other employee of the corresponding new bank.

(4) Every auditor of a corresponding new bank shall make a report to the Central Government upon the annual balance-sheet and accounts and in every such report shall state—

(a) Whether, in his opinion, the balance-sheet is a full and fair balance-sheet containing all the necessary particulars and is properly drawn up

so as to exhibit a true and fair view of the affairs of the corresponding new bank, and in case he had called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not the transactions of the corresponding new bank, which have come to his notice, have been within the powers of that bank;

(c) whether or not the returns received from the offices and branches of the corresponding new bank have been found adequate for the purpose of his audit;

(d) whether the profit and loss account shows a true balance of profit or loss for the period covered by such account; and

(e) any other matter which he considers should be brought to the notice of the Central Government.

(5) The report of the auditor shall be verified, signed and transmitted to the Central Government.

(6) The auditor shall also forward a copy of the audit report to the corresponding new bank and to the Reserve Bank.

(7) After making provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is necessary under any law, or which are usually provided for by banking companies, a corresponding new bank shall transfer the balance of profits to the Central Government.

(8) The Central Government shall cause every auditor's report and report on the working and activities of each corresponding new bank to be laid for not less than thirty days before each House of Parliament as soon as may be after each such report is received by the Central Government.

11. *Corresponding new bank deemed to be an Indian company.*—For the purposes of the Income-tax Act, 1961 (43 of 1961), every corresponding new bank shall be deemed to be an Indian company and a company in which the public are substantially interested.

12. *Vacation of office of Chairman, etc.*—(1) Every person holding office, immediately before the commencement of this Act, as Chairman of an existing bank shall, if he becomes Custodian of the corresponding new bank, be deemed, on such commencement, to have vacated office as such Chairman.

(2) Save as otherwise provided in sub-section (1), every officer or other employee of an existing bank shall become, on the commencement of this Act, an officer or other employee, as the case may be, of the corresponding new bank and shall hold his office or service in that bank on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if the undertaking of the existing bank had not been transferred to and vested in the corresponding new bank and continue to do so unless and until his employment in the corresponding new bank is terminated or until his remuneration, terms or conditions are duly altered by the corresponding new bank.

(3) For the persons who immediately before the commencement of this Act were the trustees for any pension, provident, gratuity or other like fund constituted for the officers or other employees of an existing bank, there shall be substituted as trustees such persons as the Central Government may, by general or special order, specify.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other employee from an existing bank to a corresponding new bank shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. Obligations as to fidelity and secrecy.—(1) Every corresponding new bank shall observe, except as otherwise required by law, the practices and usages customary among bankers, and, in particular, it shall not divulge any information relating to or to the affairs of its constituents except in circumstances in which it is, in accordance with law or practices and usages customary among bankers, necessary or appropriate for the corresponding new bank to divulge such information.

(2) Every director, member of a local board or a committee, or auditor, adviser, officer or other employee of a corresponding new bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

(3) Every Custodian of a corresponding new bank shall, as soon as possible, make a declaration of fidelity and secrecy in the form set out in the Third Schedule.

14. Custodian to be public servant.—Every Custodian of a corresponding new bank shall be deemed to be a public servant for the purposes of Chapter IX of the Indian Penal Code (45 of 1860).

15. Certain defects not to invalidate acts or proceedings.—(1) All acts done by the Custodian, acting in good faith, shall, notwithstanding any defect in his appointment or in the procedure, be valid.

(2) No act or proceeding of any Board of Directors or a local board or committee of a corresponding new bank shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, such board or committee, as the case may be.

(3) All acts done by a person acting in good faith as a director or member of a local board or committee of a corresponding new bank shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act by a director or member of a local board or committee of a corresponding new bank after his appointment has been shown to the corresponding new bank to be invalid or to have terminated.

16. Indemnity.—(1) Every Custodian of a corresponding new bank and every officer of the Central Government or of the Reserve Bank and every officer or other employee of a corresponding new bank, shall be indemnified by such bank against all losses and expenses incurred by him in or in relation to the discharge of his duties except such as have been caused by his own, wilful act or default.

(2) A director or member of a local board or committee of a corresponding new bank shall not be responsible for any loss or expense caused to such bank by the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the corresponding new bank, or by the insolvency or wrongful act of any customer or debtor, or by anything done in or in relation to the execution of the duties of his office, unless such loss, expense, insufficiency or deficiency was due to any wilful act or default on the part of such director or member.

17. Construction of references to existing banks.—Any reference to any existing bank in any law, other than this Act, or in any contract or other instrument shall, in so far as it relates to the undertaking which has been transferred by section 4, be construed as reference to the corresponding new bank.

18. Dissolution.—No provision of law relating to winding up of corporations shall apply to a corresponding new bank and no corresponding new bank shall be placed in liquidation save by order of the Central Government and in such manner as it may direct.

19. Power to make regulations.—(1) The Board of Directors of a corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, make regulations, not inconsistent with the provisions of this Act or any scheme made thereunder, to provide for all matters for which provision is expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the regulations may provide for all or any of the following matters, namely:—

- (a) the powers, functions and duties of local boards and restrictions, conditions or limitation, if any, subject to which they may be exercised or performed, the formation and constitution of local committees and committees of local boards (including the number of members of any such committee), the powers, functions and duties of such committees, the holding of meetings of local committees and committees of local boards and the conduct of business thereat;
- (b) the manner in which the business of the local boards shall be transacted and the procedure in connection therewith;
- (c) the delegation of powers and functions of the Board of Directors of a corresponding new bank to the general manager, director, officer or other employee of that bank;
- (d) the conditions or limitations subject to which the corresponding new bank may appoint advisers, officers or other employees and fix their remuneration and other terms and conditions of service;
- (e) the duties and conduct of advisers, officers or other employees of the corresponding new bank;
- (f) the establishment and maintenance of superannuation, pension, provident or other funds for the benefit of officers or other employees of the corresponding new bank or of the dependents of such officers or other employees and the granting of superannuation allowances, annuities and pensions payable out of such funds;
- (g) the conduct and defence of legal proceedings by or against the corresponding new bank and the manner of signing pleadings;
- (h) the provision of a seal for the corresponding new bank and the manner and effect of its use;
- (i) the form and manner in which contracts binding on the corresponding new bank may be executed;
- (j) the conditions and the requirements subject to which loans or advances may be made or bills may be discounted or purchased by the corresponding new bank;
- (k) the persons or authorities who shall administer any pension, provident or other fund constituted for the benefit of officers or other employees of the corresponding new bank or their dependants;
- (l) the preparation and submission of statements of programmes of activities and financial statements of the corresponding new bank and the period for which and the time within which such statements and estimates are to be prepared and submitted; and
- (m) generally for the efficient conduct of the affairs of the corresponding new bank.

(3) Until any regulation is made under sub-section (1), the articles of association of the existing bank and every regulation, rule, bye-law or order made by the existing bank in force immediately before the commencement of this Act shall be deemed to be the regulations made under sub-section (1) and shall have effect accordingly and any reference therein to any authority of the existing bank shall be deemed to be a reference to the corresponding authority of the corresponding new bank and until any such corresponding authority is constituted under this Act shall be deemed to refer to the Custodian.

20. Amendment of certain enactments.—(1) In the Banking Regulation Act, 1949 (10 of 1949),

- (a) in section 34A, in sub-section (3), for the words "and any subsidiary bank" the words, figures and brackets "a corresponding new bank constituted

under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, and any subsidiary bank" shall be substituted;

(b) in section 36AD, in sub-section (3), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, and any subsidiary bank" shall be substituted;

(c) in section 51, for the words "or any other banking institution notified by the Central Government in this behalf", the words, figures and brackets "or any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or any other banking institution notified by the Central Government in this behalf" shall be substituted.

(2) In the Industrial Disputes Act, 1947 (14 of 1947), in section 2, in clause (bb), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, and any subsidiary bank" shall be substituted.

(3) In the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949 (46 of 1949), in section 2, in clause (a), for the words "and any subsidiary bank", the words, figures and brackets "a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, and any subsidiary bank" shall be substituted.

(4) In the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), in section 2, in clause (ee), after the figures "1970", the words, figures and brackets "or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980" shall be inserted.

(5) In the State Agricultural Credit Corporations Act, 1968 (60 of 1968), in section 2, in clause (ii), after the figures "1970", the words, figures and brackets "or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980" shall be inserted.

21. *Repeal and saving.*—(1) The Banking Companies (Acquisition and Transfer of Undertakings Ordinance, 1980 (3 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken; including any order made, notification, issued or direction given, under the said Ordinance shall be deemed to have been done, taken, made, issued or given, as the case may be, under the corresponding provisions of this Act.

THE FIRST SCHEDULE

(See sections 2, 3 and 4)

Existing bank	Corresponding new bank
Column 1	Column 2
The Andhra Bank Limited ..	Andhra Bank
Corporation Bank Limited ..	Corporation Bank
The New Bank of India Limited ..	New Bank of India
The Oriental Bank of Commerce Limited.	Oriental Bank of Commerce.
The Punjab and Sind Bank Limited ..	Punjab and Sind Bank
Vijaya Bank Limited ..	Vijaya Bank.

THE SECOND SCHEDULE

(See section 6)

Name of existing bank	Amount
	(in lakhs of Rs.)
The Andhra Bank Limited ..	610
Corporation Bank Limited ..	180
The New Bank of India Limited ..	510
The Oriental Bank of Commerce Limited ..	100
The Punjab and Sind Bank Limited ..	210
Vijaya Bank Limited ..	240

THE THIRD SCHEDULE

[See sub-sections (2) and (3) of section 13]
DECLARATION OF FIDELITY AND SECRECY

I, _____, do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as Custodian, Director, member of Local Board, member of Local Committee, auditor, adviser, officer or other employee (as the case may be) of the * _____ and which properly relate to the office or position in the said * _____ held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the * _____ or to the affairs of any person having any dealing with the * _____; nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the * _____ and relating to the business of the * _____ or to the business of any person having any dealing with the * _____.

*Name of corresponding new bank to be filled in.

Assented to on 19-7-1980

THE ESSENTIAL SERVICES MAINTENANCE (ASSAM) ACT, 1980

(ACT No. 41 of 1980)

AN
ACT

to provide for the maintenance of certain essential services and the normal life of the community in Assam.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Essential Services Maintenance (Assam) Act, 1980.

(2) It extends to the whole of the State of Assam.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means—

- in relation to any service connected with matters relatable to any of the entries enumerated in List I in the Seventh Schedule to the Constitution, the Central Government;
- in relation to any service connected with matters relatable to any of the entries enumerated in List II in the Seventh Schedule to the Constitution, the State Government of Assam; and
- in relation to any service connected with matters relatable to any of the entries enumerated in List III in the Seventh Schedule to the Constitution, the Central Government and the State Government of Assam;

(b) "essential service" means—

- any postal, telegraph or telephone service;
- any railway service or any other transport service for the carriage of passengers or goods by land, water or air;

- (iii) any service connected with the loading and unloading of goods;
- (iv) any service connected with the operation or maintenance of aerodromes or with the operation, repair or maintenance of aircraft;
- (v) any service connected with the clearance of goods or passengers through the customs or with the prevention of smuggling;
- (vi) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishments or installations connected with defence;
- (vii) any service in any section of any industrial establishment or undertaking on the working of which the safety of such establishment or undertaking or the employees employed therein depends;
- (viii) any service in, or in connection with, the working of any undertaking owned or controlled by the Government being an undertaking engaged in the purchase, procurement, storage, supply or distribution of foodgrains;
- (ix) any service in any system of public conservancy or sanitation;
- (x) any service in connection with or in relation to banking;
- (xi) any service in any establishment or undertaking dealing with the production, supply and distribution of coal;
- (xii) any service in any oilfield or refinery or in any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum products;
- (xiii) any service in connection with the affairs of the Union or the State of Assam not being a service specified in any of the foregoing sub-clauses;
- (xiv) any other service connected with matters with respect to which Parliament or the Legislative Assembly of the State of Assam has power to make laws and which the Central Government or the Government of Assam, as the case may be, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;

(c) "strike" means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or who have been so employed to continue to work or to accept employment, and includes—

(i) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

(2) Every notification issued under sub-clause (xiv) of clause (b) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of forty days shall be reckoned from the later of those dates.

(3) Any reference in this Act to any law which is not in force in any area of the State of Assam and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

3. Power to prohibit strikes in certain employments.—

(1) If the appropriate Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in the State of Assam in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the appropriate Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the appropriate Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no person employed in any essential service to which the Order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. **Dismissal of employees participating in illegal strikes.**—Any person who commences a strike which is illegal under this Act, or goes or remains on, or otherwise takes part in, any such strike, shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

5. **Penalty for illegal strikes.**—Any person who commences a strike which is illegal under this Act, or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

6. **Penalty for instigation, etc.**—Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

7. **Penalty for giving financial aid to illegal strikes.**—Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

8. **Power to arrest without warrant.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.

9. **Offences to be tried summarily.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the appropriate Government and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial.

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

10. *Act to override other laws.*—The provisions of this Act and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force.

11. *Repeal and saving.*—(1) The Essential Services Maintenance (Assam) Ordinance, 1980 (2 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had come into force on the 6th day of April, 1980.

Assented to on 19-7-1980

THE NATIONAL COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1980

(ACT No. 42 OF 1980)

AN
ACT

to provide for the acquisition and transfer of the undertakings of Messrs National Company Limited with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of articles made of jute, which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

WHEREAS Messrs National Company Limited had been engaged in the manufacture and production of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951), namely, textiles made wholly or in part of jute;

AND WHEREAS the management of the undertakings of Messrs National Company Limited was taken over by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS it is necessary to acquire the undertakings of Messrs National Company Limited to ensure that the interests of the general public are served by the continuance, by the undertakings of the Company, of the manufacture, production and distribution of the aforesaid articles, which are essential to the needs of the economy of the country;

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the National Company Limited (Acquisition and Transfer of Undertakings) Act, 1980.

(2) The provisions of sections 29 and 30 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 27th day of April, 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the 27th day of April, 1980;
- (b) “Commissioner” means the Commissioner of Payments appointed under section 15;
- (c) “Company” means Messrs National Company Limited, a company within the meaning of the Companies Act, 1956 (1 of 1956), and having its

registered office at 18-A-Brabourne Road, Calcutta-700001, in the State of West Bengal;

- (d) “existing Government company” means a Government company which is carrying on business on the appointed day;
- (e) “new Government company” means a Government company formed and registered on or after the appointed day;
- (f) “notification” means a notification published in the Official Gazette;
- (g) “prescribed” means prescribed by rules made under this Act;
- (h) “specified date”, in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision and different dates may be specified for different provisions of this Act;
- (i) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956), have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. *Transfer to, and vesting in, the Central Government of the undertakings of the Company.*—On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to and vest in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3, shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts specified in section 8 and also out of the amounts determined under section 9, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Central Government under section 3 at any time before the appointed day and in force immediately before the appointed day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertaking, and on and from the date of vesting of such undertaking, unde-

section 5, in an existing Government company, or under section 6, in a new Government company, the existing, or new Government company, as the case may be, shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such existing, or new, Government company and such existing, or new, Government company shall hold it for the remainder of the period for which the company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding, of whatever nature, in relation to any property which has vested in the Central Government under section 3, instituted or preferred by or against the Company, is pending, the same shall not abate, be discontinued or be in any way, prejudicially affected by reason of the transfer of the undertakings of the Company, or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or where the undertakings of the Company are directed under section 5, to vest in an existing Government company or become transferred by virtue of the provisions of section 6 to a new Government company, by or against such Government company.

5. Power of Central Government to direct vesting of the undertakings of the Company in an existing Government Company.—(1) Notwithstanding anything contained in sections 3 and 4, and subject to the provisions of section 6, the Central Government may, if it is satisfied that an existing Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in that existing Government company either on the date of publication of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings vest, under sub-section (1), in an existing Government company, that Government company shall, on and from the date of such vesting be deemed to have become, and until the transfer of the undertakings by virtue of the provisions of section 6, to a new Government company, be deemed to be, the owner in relation to such undertakings and the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become, and until the date of such transfer, be deemed to be, the rights and liabilities, respectively, of that existing Government company.

6. Transfer of undertakings of the Company from an existing Government company to a new Government company.—(1) Notwithstanding anything contained in sections 3 and 4, where the undertakings of the Company have been directed, under sub-section (1) of section 5, to vest in an existing Government company, the Central Government may, if it is satisfied that a new Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, declare, by notification, that the undertakings of the Company be transferred to that new Government company; and on the issue of such declaration, the right, title and interest of the Company in relation to its undertakings, which had been directed under sub-section (1) of section 5 to vest in an existing Government company, shall, instead of continuing to vest in that existing Government company, vest in that new Government company with effect from the date on which such declaration is made.

(2) Where the right, title and interest of the existing Government company in relation to the undertakings of the Company vest under sub-section (1), in a new Government company, that new Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such

undertakings and the rights and liabilities of the existing Government company in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of that new Government company.

7. Company to be liable for certain prior liabilities.—

(1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it, and not against the Central Government, or where the undertakings of the Company vest in an existing, or a new, Government company, against such Government company.

(2) For the removal of doubts, it is hereby declared that—

(a) save as otherwise expressly provided in this Act, no liability of the Company in relation to its undertakings, in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or where the undertakings of the Company vest in an existing, or a new, Government company, against such Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day in respect of any matter, claim or dispute, which arose before that day, shall be enforceable against the Central Government, or where the undertakings of the Company vest in an existing, or a new, Government company, against such Government company;

(c) no liability incurred by the Company before the appointed day for the contravention of any provision of law for the time being in force shall be enforceable against the Central Government, or where the undertakings of the Company vest in an existing, or a new, Government company, against such Government company.

CHAPTER III

PAYMENT OF AMOUNTS

8. Payment of amount.—(1) For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company, and the right, title and interest of the Company in relation to such undertakings, there shall be given by the Central Government to the Company in cash and in the manner specified in Chapter VI, an amount of rupees to ten crores and four lakhs.

(2) For the removal of doubts, it is hereby declared that the liabilities of the Company, in relation to its undertakings, shall be met, in accordance with the rights and interests of the creditors of the Company, from the amount due to the Company under sub-section (1).

9. Payment of further amount.—(1) For the deprivation of the Company of the management of the undertakings owned by it, there shall be given, by the Central Government, to the Company, in addition to the amount specified in section 8, an amount computed at the rate of ten thousand rupees per annum for the period commencing on the date on which the management of the undertakings of the Company was taken over in pursuance of the order made by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951 (65 of 1951), and ending on the appointed day.

(2) The amount specified in section 8, and the amount computed in accordance with the provisions of sub-section (1), shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner, therein; or.

(3) The amounts determined in accordance with the provisions of sub-section (1) and (2) shall be given to the Company in addition to the amount specified in section 8.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

10. *Management, etc., of the undertakings of the Company.*—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings owned by the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall—

- where a direction has been made by the Central Government under sub-section (1) of section 5, vest, on and from the date specified in such direction, in the existing Government company specified therein; or
- where a declaration has been made under sub-section (1) of section 6, vest, on and from the date of such declaration, in the new Government company specified therein; or
- where no direction referred to in clause (a) or declaration referred to in clause (b) has been made, vest, on and from the appointed day, in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the existing, or new, Government company or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to the undertakings owned by it.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian or Custodians of the undertakings of the Company in relation to which no direction has been made by it under sub-section (1) of section 5 or no declaration has been made by it under sub-section (1) of section 6, and the Custodian or Custodians so appointed shall receive, from the funds of the undertakings, such remuneration as may be specified by the Central Government.

(3) The Custodian or Custodians of the undertakings of the Company shall maintain an account of the undertakings of the Company in such form and manner and under such conditions as may be prescribed, and the provisions of the Companies Act, 1956 (1 of 1956), shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

11. *Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.*—(1) On the vesting of the management of the undertakings of the Company in an existing, or a new, Government company or on the appointment of a Custodian or Custodians, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment shall be bound to deliver to such Government company, or the Custodian or Custodians, as the case may be, all assets, books of account, registers and other documents in their custody relating to the undertakings of the Company.

(2) The Central Government may issue such directions at it may deem desirable in the circumstances of the case to the existing, or new, Government company or the Custodian or Custodians, and such Government company, Custodian or Custodians may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

12. *Duty of persons to account for assets, etc., in their possession.*—(1) Any person who has, on the appointed day, in his possession or under his control, any assets, books, documents or other papers relating to any undertaking owned by the Company, which has vested in the Central Government or in an existing, or a new, Government company under this Act, and which belongs to the Company, or would have so belonged, if the undertakings

owned by the Company had not vested in the Central Government or such Government company, shall be liable to account for the said assets, books, documents and other papers to the Central Government or the Government company and shall deliver them up to the Central Government or such Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(2) The Central Government may take or cause to be taken all necessary steps for securing possession of the undertakings of the company which have vested in it under section 3.

(3) The company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its property and assets, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3, and for this purpose, the Central Government or the existing, or new, Government company shall afford to the company all reasonable facilities.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

13. *Continuance of employees.*—(1) Every employee of the Company in connection with any undertaking owned by it, shall become, on and from the appointed day, an employee of the Central Government, and where such undertaking is vested in an existing, or a new, Government company, under this Act, become, on and from the date of such vesting in such Government company, an employee thereof and shall hold office or service under the Central Government or the existing, or new, Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the existing, or new, Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the existing, or new, Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertakings owned by the Company to the Central Government or the existing, or new, Government company shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14. *Provident fund and other funds.*—(1) Where the Company has established a provident fund, superannuation fund, welfare fund or other fund for the benefit of persons employed in any of the undertakings owned by it, the monies relatable to the employees whose services have become transferred by or under this Act to the Central Government or an existing, or a new, Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other funds, stand transferred to, and shall vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the existing, or new Government company, as the case may be, shall be dealt with by that Government or the Government company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

15. *Appointment of Commissioner of payments.*— (1) The Central Government shall, for the purpose of disbursing the amounts payable under section 8 and 9 to the Company, by notification, appoint a Commissioner of payment.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

16. *Payment by the Central Government to the Commissioner.* (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company—

(a) an amount equal to that specified in section 8;

(b) a further amount equal to the amount payable to the Company under section 9.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertakings of the company in relation to which payment has been made to him under this Act.

(4) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

17. *Certain powers of the Central Government or Government company.* (1) The Central Government or the existing, or new, Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to any of the undertakings owned by it which have vested in the Central Government or such Government company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the existing, or new, Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government or Government company, after the appointed day, for discharging any liability of the Company in respect of any of the undertakings owned by it, in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in relation to any of the undertakings owned by it, in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

18. *Claims to be made to the Commissioner.*— Every person having a claim against the Company with regard to any of the matters specified in the Schedule, pertaining to any undertaking owned by it, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within further period of thirty days, but not thereafter.

19. *Priority of claims.*— The claims made under section 18 shall have priorities in accordance with the following principles, namely:—

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

20. *Examination of claims.*— (1) On receipt of the claims made under section 18, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine any claim in respect of such lower category.

21. *Admission or rejection of claims.*— (1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860), and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against such decision to the High Court within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall be heard and disposed of by not less than two Judges of that High Court.

22. Disbursement of money by the Commissioner.—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due and on such payment, the liability of the Company in respect of any claim relating to the undertakings owned by it shall stand discharged.

23. Disbursement of amounts to the Company.—(1) If out of the monies paid to him in relation to any undertaking owned by the Company there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where the possession of any machinery, equipment or other property has vested in the Central Government or any existing, or new, Government company under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or, as the case may be, the existing, or new, Government company, to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company, immediately before the appointed day.

24. Undisbursed or unclaimed amount to be deposited with the general revenue account.—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim being treated as an order for the refund of revenue.

CHAPTER VII

MISCELLANEOUS

25. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

26. Assumption of liability.—(1) Where any liability of the Company arising out of any item specified in any category in Part I of the Schedule is not discharged fully by the Commissioner out of the amounts paid to him under this Act, the Commissioner shall intimate in writing to the Central Government the extent of the liability which remains undisbursed and that liability shall be assumed by the Central Government.

(2) The Central Government may, by order, direct the existing, or new, Government company, in which the undertakings of the Company become vested by virtue of any direction made under sub-section (1) of section 5 or declaration made under sub-section (1) of section 6, to take over the liability assumed by the Central Government under sub-section (1), and on receipt of such direction, it shall be the duty of such existing, or new, Government company to discharge such liability.

27. Management to continue to vest in the Custodian until alternative arrangements have been made. Notwithstanding the vesting under this Act of the undertakings of the Company in the Central Government or an existing, or a new, Government company,—

(a) the custodian who has been managing the affairs of such undertaking before the date on which the undertaking had so vested shall, until alternative arrangements have been made by the Central Government or, as the case may be, such Government company, for the management of such undertakings, continue to manage the affairs of the undertakings, as if the Custodian had been authorised by the Central Government or, as the case may be, such Government company, to manage such undertakings;

(b) the Custodian or any person authorised by him for this purpose shall, until alternative arrangements have been made by the Central Government or, as the case may be, such Government company, continue to be authorised to operate, in relation to the undertakings of the Company, any account of such undertakings in any bank as if the Custodian or the person authorised by him had been authorised by the Central Government or such Government company to operate such account.

28. Contracts to cease to have effect unless ratified by the Central Government or the Government Company.—Every contract entered into by the Company in relation to any of the undertakings owned by it, which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of a period of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government, or the existing, or new, Government company, in which such undertakings have been vested under this Act, and in ratifying such contract the Central Government or such Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or such Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

- (a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or such Government company; and
- (b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

29. Penalties. Any person who.

- (a) having in his possession, custody or control any property forming part of the undertakings owned by the Company, wrongfully withholds such property from the Central Government or the Government company; or
- (b) wrongfully obtains possession of, or retains, any property forming part of, the undertakings owned by the Company; or
- (c) wilfully withholds or fails to furnish to the Central Government or the existing, or new, Government company or any person, or body of persons specified by that Government or such Government company, as the case may be, any document relating to the

undertakings owned by the Company, which may be in his possession, custody or control; or

(d) fails to deliver to the Central Government or the existing, or new, Government company or any person or body of persons specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the undertakings owned by the Company; or

(e) wrongfully removes or destroys any property forming part of the undertakings owned by the Company or prefers any claim under this Act which he knows or has reason to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees.

36. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

31. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer of that Government or the existing, or new, Government company in which the undertakings of the Company have vested under this Act or other person authorised by that Government or Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the existing, or new, Government company aforesaid or any officer or other person authorised by that Company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

32. Delegation of powers.—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and sections 33 and 34, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

33. Power to make rules. (1) The Central Government may, by notification, make rules for carrying out the onus of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;
- (b) the form and manner in which and the conditions under which accounts shall be maintained by the Custodian or Custodians, as required by sub-section (3) of section 10;
- (c) the manner in which the monies in any provident fund or other fund, referred to in sub-section (2) of section 14, shall be dealt with;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

35. Repeal and saving.—(1) The National Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980 (4 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(See sections 18, 20, 21, 23 and 26)
ORDER OF PRIORITIES

Part I

Category I—

Employees' dues on account of unpaid salaries, wages, provident fund, Employees' State Insurance contribution or premium relating to Life Insurance Corporation of India and any other amounts due to employees, in respect of any period whether before or after the management of the undertaking of the Company had been taken over by the Central Government.

Category II—

Secured loans obtained by the Company from nationalised banks and public financial institutions during any period whether before or after the management of the undertaking of the Company had been taken over by the Central Government.

Category III—

Amounts due to trade and other creditors in relation to any transaction which took place during the post-take-over management period.

Part II

Category IV

Revenue, taxes, cesses, rates or other dues to the Central Government, State Government and local authorities or State Electricity Board for the pre-take-over management period.

Category V

Amounts due to trade and other creditors in relation to any transaction which took place during the pre-take-over management period.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART I

उद्योग विभाग

जिला: मण्डी

विस्तृत विवरण

तहसील: सरकाघाट

शुद्ध पत्र

क्षेत्र

शिमला-171002, 24 जनवरी, 1981

संख्या 1-60/74-एस0 आई0 (11).—इस विभाग की अधिसूचना	गांव	खमरा नं०	है०	ए०	ए०	किस्म भूमि	
सम संख्या, दिनांक 20-11-1980, में पैरा 4 के अन्तर्गत शब्द "भू-अर्जन	1	2	3	3	3	4	
समाहर्ता, सोलन" के स्थान पर "भू-अर्जन समाहर्ता, नालागढ़" पढ़ा	टिक्कर	9111	0	00	26	गैर मुमकिन	ढांक
जाये।		9212	0	01	96	बंजर कदीम	
		11411	0	00	30	बारानी अब्बल	
		116	0	00	51	बंजर कदीम	
		11811	0	00	27	बारानी अब्बल	
		14811	0	00	63	बंजर कदीम	
		90	0	00	24	गैर मुमकिन सड़क	
		117	0	01	60	गैर मुमकिन सड़क	
अनंग पाल,		8611	0	00	37	बंजर कदीम	
प्रायुक्त एवं सचिव।		9311	0	05	20	बंजर कदीम	
		10111	0	01	35	खंडतर	
		10811	0	00	08	बारानी अब्बल	
		11111	0	01	88	बारानी अब्बल	
		15011	0	01	35	बारानी अब्बल	
		151	0	00	83	बंजर कदीम	
		89	0	11	90	गैर मुमकिन सड़क	
		102	0	03	41	गैर मुमकिन सड़क	
		173	0	05	08	गैर मुमकिन सड़क	
		17111	0	01	24	बंजर कदीम	
		170	0	00	75	बारानी अब्बल	
		172	0	00	77	गैर मुमकिन सड़क	
		15411	0	01	02	बंजर कदीम	
		15511	0	01	37	बारानी अब्बल	
		152	0	03	59	गैर मुमकिन सड़क	
		153	0	00	68	गैर मुमकिन सड़क	
		15611	0	00	60	बारानी अब्बल	
		11311	0	00	72	बारानी अब्बल	
		110	0	01	67	गैर मुमकिन सड़क	
		11911	0	00	18	बारानी अब्बल	
		11511	0	00	24	बारानी अब्बल	
		17411	0	00	27	बंजर कदीम	
		17412	0	00	30	बंजर कदीम	
		112	0	03	02	गैर मुमकिन सड़क	
		16911	0	00	19	बारानी अब्बल	

लोक निर्माण विभाग

अधिसूचना

शिमला-2, 31 दिसम्बर, 1980

संख्या लो० नि० ख० 1 (1)-3/80.—चूँकि हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि सरकारी व्यय पर सार्वजनिक प्रयोजन के लिए अर्थात् गांव टिक्कर-सरकाघाट-टिहरा-सन्धोल सड़क के निर्माण के लिए भूमि ली जानी अपेक्षित है, अतः एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरण में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भू-अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन समाहर्ता, भू-अर्जन, हिमाचल प्रदेश लोक निर्माण विभाग को एतद्वारा उक्त भूमि के अर्जन के लिए आदेश देने का निर्देश दिया जाता है।

3. भूमि का खाका समाहर्ता भू-अर्जन, हिमाचल प्रदेश लोक निर्माण विभाग, मण्डी (हिमाचल प्रदेश) के कार्यालय में निरोक्षित किया जा सकता है।

किता .. 34

0 60 83

आदेश द्वारा,
हस्ताक्षरित/-
सचिव (लोक निर्माण)।

PART II

उद्योग विभाग

(भौमिकीय शाखा)

शिमला-171002, 15 जनवरी, 1981

नीलामी सूचना

संख्या उद्योग-भू० (खनि-4)-लघु-27/80.—सर्व-साधारण को सूचित किया जाता है कि सिरमौर जिला की लघु खनिज खानों की सार्वजनिक नीलामी 18-2-81 को खनि अधिकारी, नाहन के कार्यालय में सुबह 11.00 बजे की जायेगी। खानों का विवरण नीचे दिया गया है:—

क्रमांक	खान का नाम	व्योरा	लघु खनिज का व्योरा	अवधि
1	2	3	4	5
1.	जटोन	गिरी नदी का दायां तथा बायां किनारा, जलाल और गिरी नदी के मिलन केन्द्र से लकर गांव डोबरा (चिमलू खाला) तक। वर्जित क्षेत्र को छोड़ कर।	रेत, पत्थर, बजरी	एक वर्ष

1	2	3	4	5
2.	ददाहु	गिरी नदी का दायां तथा बायां किनारा, गिरी और जलाल नदी के मिलन केन्द्र से लेकर गिरी और जागर के खाले के मिलन केन्द्र से लगभग 500 मीटर ऊपर तक।	रेत, पत्थर, बजरी	एक वर्ष
3.	जलाल नदी	जलाल नदी का दायां तथा बायां किनारा, गिरी नदी और जलाल नदी के मिलन केन्द्र से लेकर जलाल पुल (बनैरी के पास तक)।	-यथा-	एक वर्ष
4.	डोफरा खाला	गांव करोग से लेकर नीचे गांव पुवाला तक	-यथा-	1 वर्ष
5.	धोलीराव खाला	गांव राजपुर से लेकर नीचे गांव रामपुर तक जहां धोरीराव खाला गिरी से मिलता है।	-यथा-	1 वर्ष
6.	बाता नदी (माजरा कबरी)	गांव टीना (जलमासा) से लेकर बाता नदी का दायां तथा बायां किनारा बाता और यमुना नदी के मिलन केन्द्र तक।	-यथा-	1 वर्ष
7.	खतीखाला	मतीवाला के पास जहां खतीखाला बाता नदी से मिलता है	-यथा-	1 वर्ष
8.	कोथीवाला खाला	बातामण्डी के पास जहां कोथीवाली खाला बाता में मिलता है।	-यथा-	1 वर्ष
9.	किसन खोल	किस्तपुर के पास जहां किस्त खाला बाता नदी में मिलता है	-यथा-	1 वर्ष
10.	पातलियां खाला	पातलियां के पास जहां पातलियां खाला बाता नदी में मिलता है।	-यथा-	1 वर्ष
11.	घटापत्थर खाला	सूरजपुर के पास जहां घटापत्थर खाला बाता नदी में मिलता है।	-यथा-	1 वर्ष
12.	बंसवाली खाला	पुरुवाला के पास जहां बंसवाली खाला बाता नदी में मिलता है।	-यथा-	1 वर्ष
13.	दतोवाली खाला	क्यारवा के पास जहां दतोवाली खाला बाता नदी में मिलता है	-यथा-	1 वर्ष
14.	बड़ीघाटी खाला	जगतपुर के पास जहां बड़ीघाटी खाला बाता नदी में मिलता है।	-यथा-	1 वर्ष
15.	सुखी खाला	माजरा के पास जहां सुखी खाला बाता नदी मिलता है	-यथा-	1 वर्ष
16.	जुमनवाली खाला	टोकियों के पास जहां जुमनवाली खाला बाता नदी में मिलता है।	-यथा-	1 वर्ष
17.	कोरवे का खुला (मुदानवाला)	धोलाकुला के पास जहां कोरवे का खाला तथा भेड़वाली का खाला बाता नदी में मिलता है।	-यथा-	1 वर्ष
18.	कोथरिया खाला	गांव माजरी के पास से नीचे जहां कोथरिया खाला बाता में मिलता है तथा खेरी के पास बाता में मिलने वाला निम्बुखाला।	-यथा-	1 वर्ष
19.	डोवर का खाला	गांव कोटरी खुद के पास डोवर का खाला बाता में मिलता है।	-यथा-	1 वर्ष
20.	मण्डी वाला राव खाला	गुलाबगढ़ के पास जहां मण्डीराव खाला बाता में मिलता है	-यथा-	1 वर्ष
21.	खारा नदी	कुढ़याना-खाला के पास जहां खारा नदी सिसनवाली खाली तथा बिलान वाली खाली बाता में मिलती है।	-यथा-	1 वर्ष
22.	जम्मुखाला	नारायणगढ़ से नीचे जहां जम्मुखाला बाता में मिलता है	-यथा-	1 वर्ष
23.	तारापुर नदी	कलोनवाला से नीचे गुलारवाला तक तथा तारापुर की नदी और मजहार की नदी नीचे पांपड़ी तक।	-यथा-	1 वर्ष
24.	टोका नदी	टोका नदी गांव पांपड़ी से लेकर हि0 नं0 की सीमा तक तथा कोडीवाला खाला।	-यथा-	1 वर्ष
25.	सराहां खान	गांव व डाकघर सराहां, तहसील पच्छाद	विलिडग स्टोन	1 वर्ष
26.	बाता नदी-I	टीना (जलमासा) से धोलाकुला के पास गिरी नगर सड़क तक।	रेत, पत्थर, बजरी	1 वर्ष
27.	-यथा-II	धोलाकुला के पास धोलाकुला-गिरी नगर सड़क से माजरा तक	-यथा-	1 वर्ष
28.	-यथा-III	माजरा से यमुना नदी के मिलन केन्द्र तक	-यथा-	1 वर्ष
29.	जलाल नदी	जलाल पर बने पुल (बनैरी के पास) से ऊपर तक	-यथा-	1 वर्ष

THE AUCTION IS BEING MADE ON THE FOLLOWING TERMS AND CONDITIONS:-

- The terms and conditions of the auction/sale will be announced on the spot as per Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.
- The bid shall be per annum.
- Any person intending to bid shall deposit Rs. 100/- with the Presiding Officer in advance as earnest money.
- Bidders can inspect the quarries before bidding in their own interest.
- The area of quarries will be strictly in accordance with the specifications given against each quarry.
- The Presiding Officer reserves the right to group and bifurcate the quarries without assigning any reasons.
- Bidders may not be defaulter in the payment of Government dues. Any bidder found defaulter, shall not be allowed to participate in the Auction.
- The period of the contract of minor minerals/slate quarries shall be five years/three years and one year respectively from the date of grant of the contract.
- On completion of the Auction the results will be announced and the provisionally selected bidders shall immediately deposit 25% of the amount of the bid for one period of the Contract year as security for execution of bid for the one year lease deed and due observance of its terms and conditions and as equal amount as first instalment of royalty where the bid per annum in case the bid is upto Rs. 100/- The bid shall not be treated as accepted unless confirmed by the State Government of such auction by who may be authorised by the State Government to grant the Contract.
- The Government reserves the right to accept or reject the highest bid without assigning any reasons.
- The Government reserves the right to reduce or enhance the period of the Contract.
- No mining operations shall be allowed within 60 metres from the bridge, National Highway or State Highway.
- No mining operation shall be allowed within 50 metres from river nala bank.

14. No mining operations shall be allowed within 50 metres from the bridge.
15. Misbehaviour by any bidder during auction can be punished by forfeiting his earnest money or renewal of necessary debanking him for a period of three years from any future auction under these rules at the discretion of the Mining Officer. If provisionally selected bidder fails to deposit security money as required under clause give of the rules the earnest money deposited under clause (3) shall be forfeited to the Government.
16. The bid shall not be treated as accepted unless confirmed by the Government or such other authority who may be authorised by Government to grant the Contract.
17. In case of any dispute with regards to the sale of Minor Minerals the selling rates will be fixed by the Committee constituted for the purposes.
18. The area of the slate quarries/Sand, Stone and Bajri quarries will be strictly in accordance with the site bearing revenue map and departmental map available in the office of the concerned Mining Officers and General Manager, District Industries Centre.
19. The possession of the quarry(ies) will be handed over after the expiry of the present contract.
20. The Auction is being made subject to the provisions contained in the Himachal Pradesh Minor Minerals (Concession) Revised Rules, 1971.
21. Participants can raise the objection at the time of auction and no objection shall be entertained thereof in any case.
22. The contractor shall have to sign the agreement deed within three months from the date of grant order failing which grant orders shall be deemed to have been revoked and security forfeited to the Government.
23. The provision of the Punjab Land Preservation (Crops) Act, 1960 shall apply in toto.
24. Other information and details can be had from the Mining Officer and General Manager concerned.

नीलामी सूचना
मुद्रित

28-2-1981 को 11.00 बजे मुद्रित खनि अधिकारी, नाहन के कार्यालय में की जाएगी।

सर्वे साधारण को सूचित किया जाता है कि सिरमौर जिला की लघु खनिज खानों की नीलामी जो खनि अधिकारी, नाहन के कार्यालय में दिनांक 10-2-1981 को 11.00 बजे मुद्रित होगी, अब दिनांक

हस्ताक्षरित/-
निदेशक उद्योग।

PART V

HIMACHAL PRADESH FINANCIAL CORPORATION SIMLA-171001

NOTIFICATION

Simla-1, the 21st January, 1981

No. HPFC/7-76/77.—Whereas M/s Himachal Seals & Containers Private Limited, Deonghat, P. O. Saproon, District Solan (Himachal Pradesh), were sanctioned a loan of Rs. 13,51,000/- (Rupees thirteen lacs fifty-one thousand only) by the Himachal Pradesh Financial Corporation for the purchase of land and plant and machinery and for construction of buildings for setting up a Unit for the manufacture of P.P. Caps, Crown Corks and Tin Containers at Village Deonghat, (Saproon) District Solan, (Himachal Pradesh).

And whereas for securing the repayment of the said loan and interest thereon the said industrial concern executed agreements dated 6-3-1976 and 16-4-1977 and hypothecation deeds dated 6-3-1976 and 8-4-1977 respectively and also created mortgage on land and buildings on 7-3-1976 in favour of the Himachal Pradesh Financial Corporation mortgaging and hypothecating the properties mentioned in Schedule 'A' annexed hereto besides deeds of guarantee executed by the Directors of the Company. In the said agreements it was *inter alia* agreed by the said Industrial concern that repayment of the loan amount would be made in accordance with the repayment schedule entered in the said agreements besides interest.

And whereas the said industrial unit has committed defaults in repayment of the loan amount according to the said repayment schedules and also of interest and has failed to honour its undertakings and commitments and has not so far cared to clear the outstanding defaults despite several demands and notices served upon it, and whereas according to the terms of the aforesaid agreements the entire amount together with interest and future interest upto the date of realisation of the full amount has become due for payment at once for which a recall of loan notice was also issued on 26-8-80 and which has now accumulated to Rs. 16,61,411.10 as on 28-8-80 including interest upto 9-6-1980.

Therefore the Himachal Pradesh Financial Corporation has decided to take over the possession of the said Industrial concern M/s Himachal Seals & Containers Pvt. Ltd., Deonghat (Saproon), District Solan (Himachal Pradesh) under section 29 (1) of the State Financial Corporations Act, 1951 (Central Act No. 63 of 1951) with a right to transfer by way of lease or sale of the property mortgaged and hypothecated to the Himachal Pradesh Financial Corporation and realise therefrom its outstanding dues, in case the said industrial unit fails to clear its outstanding liability to the Corporation within fifteen days from the date of publication of this notification.

SCHEDULE A

Land measuring 3 Bighas and 3 Biswas comprised in Khasra No. 69/44 Khewat Khatauni No. 1/1 min. situate at Mauza Godhog, Pargana Bharoli Khurd, District Solan as per jamabandi for 1970-71 together with all structures and factories and plants thereon.

PLANT AND MACHINERY

- | | |
|---|---|
| 1. Lower Shear with 2 HP motor with feeding, Platform and stackers .. | 2 |
| 2. Power Presses, American Type, 20 tonnes Capacity with 3 HP motor and double feed roll .. | 4 |
| 3. Piercing, Curling and Beading Machines with two sets of spare tools, semi automatic, 2 HP motor .. | 4 |
| 4. Chain Pulley Block, 3 tons capacity .. | 1 |
| 5. 100 precision Lathe with 3 HP motor and four chuck, dead centre etc. .. | 1 |
| 6. 6' precision Lathe with 2 HP motor and four chuck, dead centre etc. .. | 1 |
| 7. Precision horizontal wheel, surface grinder, 20" x 6" table feed with one HP motor and magnet plate .. | 1 |
| 8. Pillar Drilling Machine 1" capacity with 1 HP motor and drill chuck .. | 1 |
| 9. 18" stroke precision shaper with 3 HP motor and shaper vice .. | 1 |
| 10. Power Hacksaw with 16" blade one HP motor .. | 1 |

11. Main Panel with ACD isolator etc. ..	1	23. Treadle notching machine, foot operated ..	1
12. Electrical Fixtures, Distribution boxes etc. ..	—	24. Edge folding machine, flat bed ..	1
13. P.P. Caps Dies, 28 mm Size ..	2	25. 24" Hand Bending roller ..	1
14. Crown Cork Dies, Standard Size ..	2	26. Conveyor with reduction gear box and 3 HP motor ..	1
15. Tools and measuring instruments ..	—	27. Compressor with one HP motor capacity 150 cft. reservoir ..	1
16. Welding Machine ..	—	28. Water pocket tester ..	1
17. Coating and varnishing machine with 3 HP motor max. sheet size 26"×35" ..	1	29. Pallet trolleys ..	5
18. Oil fired box type oven suitable for 180 sheets per Hr. 20"×10"×8" size tem. upto 450°F, Kerosene and LDO as fuel, with control etc. ..	1	30. Treadle shearing machine 38" cap ..	1
19. Mitsuwashii Tin Printing Machine with 5 HP motor and other accessories cap. 1800 sheet/per hour ..	1	31. Power press, 20 tons capacity inclinable with 3 HP motor ..	1
20. Lock Seamer with 3 HP motor and electricals ..	1	32. Sealing machine and drive ..	1
21. Round Automatic double and seaming machine with one HP motor and electricals ..	1	33. Water pump with 3 HP motor ..	1
22. Round flanging machine, Hand operated ..	1	34. Foot post grinder with 1 HP motor ..	1
		35. Dies (25mm) pp Caps containers and lid ring etc. ..	10
		Seal.	Sd/-
			General Manager,
			H. P. Financial Corporation.